

**UNITED STATES COURT OF APPEALS  
FOR THE FEDERAL CIRCUIT**

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**Appeal Nos. 15-2009 and 15-2055**

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AQUA SHIELD,

Plaintiff-Cross Appellant

v.

INTERPOOL POOL COVER TEAM, ALUKOV HZ SPOL SRO,  
ALUKOV SPOL SRO, POOL & SPA ENCLOSURES,

Defendants-Appellants

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On Appeal from the United States District Court  
for the District of Utah in Case No. 2:09-cv-00013, Judge Ted Stewart

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**CORRECTED JOINT APPENDIX  
VOLUME II (A268-A610)**

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IN THE UNITED STATES DISTRICT COURT  
DISTRICT OF UTAH, CENTRAL DIVISION

AQUA SHIELD, INC. a New York Corporation,  
Plaintiff,

vs.

INTER POOL COVER TEAM, ALUKOV HZ SPOL.  
S.R.O., ALUKOV, SPOL. S.R.O., POOL & SPA  
ENCLOSURES, LLC

Defendants.

Civil Action No. 2:09-cv-00013 TS

Judge Ted Stewart

**MEMORANDUM IN SUPPORT OF  
MOTION FOR PARTIAL SUMMARY  
JUDGMENT OF PATENT  
INFRINGEMENT**

**(JURY TRIAL DEMANDED)**

Plaintiff, Aqua Shield, Inc. ("Aqua Shield") respectfully submits the following points and authorities in support of its motion for partial summary judgment of patent infringement.

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**I. INTRODUCTION AND SUMMARY OF ARGUMENT**

Plaintiff Aqua Shield seeks partial summary judgment as to infringement; Plaintiff must only show infringement because the '160 patent is presumed valid.

Generally, Aqua Shield's '160 Patent is directed to telescopic enclosures providing a plurality of arched, rolling sections which roll on rails anchored to the ground. The claims of the '160 Patent reveal the particular inventions protected by the '160 Patent.

The claims of the '160 Patent require a number of structures with corresponding functions including-- arcuate rectangular panels, frame members, removable end panels, horizontal frame members to secure the panels, rollers on horizontal frame members, horizontal rails, etc. The frame members are sized and shaped to independently support the enclosure and to permit them to slide telescopically into one another. The Accused Products identified below embody the inventions of claims 1-16 of the '160 Patent and thereby infringe.

**II. STATEMENT OF UNDISPUTED MATERIAL FACTS**

Pursuant to DUCiv R 56-1(b), Aqua Shield states that no genuine issue of material fact exists as to the following:

**A. Overview**

1. Aqua Shield is the owner by assignment of United States Patent No. 6,637,160 ("the '160 Patent") to Brooks. Ex. 1, Declaration of Brooks, ¶ 4.

2. Aqua Shield has not authorized or otherwise licensed any person or any entity to practice the inventions protected by the '160 Patent. As a result, no Defendant is authorized to utilize the inventions of the '160 Patent. Ex. 1, Declaration of Brooks, ¶ 5.



3. The '160 Patent is directed to a plurality of movable, telescoping, arcuate panels or arches that can roll on their own designated parallel tracks to enclose or expose a sun room or pool area. Ex. 2, '160 Patent, 4:52-55.<sup>1</sup>

4. Defendants offer for sale, induce offers for sale, sell, manufacture, use and/or install within the United States a line of telescopic enclosures, including, but not limited to, models sold under the name "Universe," "Laguna," "Elegant," "Tropea," "Combi," "Style," "Veranda," "Spa Veranda," and "Orient" (collectively "Defendants' Products"). Ex. 1, Declaration of Brooks, ¶ 7.

**B. The Asserted Claims**

5. Claim 1 of the '160 patent reads:

1. An apparatus for providing an enclosure for attachment to a building or for covering an area, comprising:
  - a) a plurality of arcuate panels, said panels having a first and second end, and a first and second side, wherein said panels are generally rectangular, planar panels;
  - b) a plurality of arcuate frame members, said frame members having a first and second end, and a first and second side for receiving said panels, and an inner and an outer surface;
  - c) a pair of end panels for attachment to the ends of the enclosure to complete the enclosure;
  - d) means-for a plurality of horizontal frame members whereby the ends of the arcuate frame members are secured;
  - e) means for a plurality of rollers disposed on said horizontal frame members whereby said horizontal frame members are movable thereon;
  - f) means for a plurality of horizontal rails whereby the rollers are rollable thereon and the rails are able to be attached to a foundation; and,

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<sup>1</sup> Subsequent references to the written specification of the '160 Patent are given in the form of "'160 Patent xx:yy," with xx denoting the column number(s) and yy denoting the line Number(s).

- g) wherein said plurality of arcuate panels and said plurality of arcuate frame members are sized so that arcuate panels and arcuate frame members of smaller diameter are disposed toward the interior of said panels and frame members of larger diameter so that said panels and frame members are able to telescope one within each other, wherein said arcuate panels approximate the shape of one of a circumference of half a circle or one-fourth an ellipse and said end panels are generally flat and removable.

Ex. 2 '160 Patent 10:37-67.

6. Claim 1 requires six structural elements: (1) arcuate, generally rectangular, planar panels, (2) arcuate frame members, (3) end panels, (4) horizontal frame members to secure the panels, (5) rollers on horizontal frame members and (6) horizontal rails. The panels and frames are sized to permit them to slide telescopically into one another, the arcuate panels are in the shape of half of a circle or a quarter of an ellipse and the end panels are generally flat and removable. Ex. 2 '160 Patent 10:37-67.

7. Claim 2 reads:

- 2. The apparatus of claim 1, wherein said arcuate panels approximate the shape of the circumference of half an ellipse.

Ex. 2 '160 Patent 11:1-3.

8. Claim 2 claims arcuate panels in the approximate shape of the half ellipse.

9. Claim 3 reads:

- 3. The apparatus of claim 1, wherein said plurality of arcuate frame members further comprise a generally rectangular shaped housing having a pair of horizontally disposed U-shaped receptacles on said outer surface thereof for receiving said first and second sides of said arcuate panels and an inwardly extending flap disposed on said inner surface.

Ex. 2 '160 Patent 11:4-10.

10. Claim 3 requires the shape of the frame member to include U-shaped openings or receptacles into which the arcuate panels slide so the frame member holds the arcuate panels in place. *Id.*

11. Claim 4 reads:

4. The apparatus of claim 3, wherein said rectangular shaped housing has a slot therein, said slot disposed on said inner surface thereof for receiving said flap.

Ex. 2 '160 Patent 11:11-13.

12. Claim 4 requires the shape of the frame member to include a slot in the frame member to hold a flap. *Id.*

13. Claim 5 reads:

5. The apparatus of claim 4, wherein said means for a plurality of horizontal frame members further comprise a downwardly disposed U-shaped form having a plurality of roller disposed internal said U-shaped frame, said rollers being used for contacting said means for a plurality of horizontal rails.

Ex. 2 '160 Patent 11:14-19.

14. Claim 5 requires the shape of the frame member to include a U-shaped form opening downward and in which rollers are fixed for rolling on the horizontal rails.

15. Claim 6 reads:

6. The apparatus of claim 5, wherein said U-shaped frame further comprises a downwardly disposed anchor plate thereon for contacting the rails.

Ex. 2 '160 Patent 11:20-22.

16. Claim 6 requires the U-shaped horizontal frame member to include an anchor plate for contacting the rails to act as guide to maintain rollers over rail during movements.

17. Claim 7 reads:

7. The apparatus of claim 6, wherein said anchor plate further comprises a hook disposed on the lower end of said anchor plate.

Ex. 2 '160 Patent 11:23-25.

18. Claim 7 requires a hook on the lower end of said anchor plate for securing the arcuate panel to the track to prevent its vertical movement.

19. Claim 8 reads:

8. The apparatus of claim 7, wherein said U-shaped frame further comprising an upwardly disposed U-shaped receptacle thereon for receiving said first end of said arcuate panels.

Ex. 2 '160 Patent 11:26-29.

20. Claim 8 requires an upwardly U-shaped receptacle for receiving the first end of the arcuate panels to hold it in place.

21. Claim 9 reads:

9. The apparatus of claim 8, said means for a plurality of horizontal rails further comprise a base plate upon which plate said rails are mounted and said rails are attached to a foundation.

Ex. 2 '160 Patent 12:1-4.

22. Claim 9 requires a base plate for mounting the rails and attaching to foundation.

23. Claim 10 reads:

10. The apparatus of claim 9, wherein said rail has an enlarged, exposed edge for receiving said hook of said anchor plate so that said anchor plate is secured to said rail.

Ex. 2 '160 Patent 12:5-7.

24. Claim 10 requires a slot on the rail to couple with the hook on the bottom of the anchor plate.

25. Claim 11 reads:

11. The apparatus of claim 10, further comprising means for adding additional rails to said rail base plate whereby the number of rails varies.

Ex. 2 '160 Patent 12:8-10.

26. Claim 11 requires a means for adding varying number of additional rails to said rail base plate.

27. Claim 12 reads:

12. The apparatus of claim 11, wherein said means for adding additional rails further comprises a slot disposed in the edge of said base plate for receiving the edge of another base plate.

Ex. 2 '160 Patent 12:11-15.

28. Claim 12 requires a slot located such that a base plate could be attached to another neighboring base plate to create a continuous track system in the transverse direction.

29. Claim 13 reads:

13. The apparatus of claim 12, further comprising a stop rod and an end plug disposed in the end of said rail.

Ex. 2 '160 Patent 12:16-17.

30. Claim 13 requires a stop rod and an end plug at the end of each rail to ensure that the arcuate panels remain on track and are prevented from sliding off the track at the end.

31. Claim 14 reads:

14. The apparatus of claim 13, further comprising a cover for being placed over the tops of said rails and a spacer for being placed between said rails to enable one to walk over said rails.

Ex. 2 '160 Patent 12:18-21.

32. Claim 14 requires a cover over the rail assembly and spacers between individual rails to provide means for walking over the rails.

33. Claim 15 reads:

15. The apparatus of claim 4, further comprising a plurality of hooks and straps for securing said arcuate panels to said arcuate frame members.

Ex. 2 '160 Patent 12:22-24.

34. Claim 15 requires hooks and straps for securing the arcuate panels to ground for additional security (in addition to the coupling between hook at bottom of anchor plate and the slot in the rail to prevent vertical movement).

35. Claim 16 reads:

16. The apparatus of claim 15, wherein said arcuate panels are transparent.

Ex. 2 '160 Patent 12:25-26.

36. Claim 16 requires transparent arcuate panels.

**C. The Accused Products**

37. IPC manufactures Defendants' Products. IPC (and its member Ulukov Hz) and Pool & Spa Enclosures offer Defendants' Products for sale in commerce in the United States. IPC, and its agent Ulukov Hz, and Pool & Spa Enclosures facilitate the importation of Defendants' Products into the United States for sale and installation. IPC's conduct and/or the conduct of its agent Ulukov Hz, Pool & Spa Enclosures and/or Awesome Pools have transacted business in Utah to cause or induce the sale and construction of the Elegant Model of IPC in Utah, namely the sale and/or installation of IPC's Elegant model in Syracuse, Utah ("Utah Installation").<sup>2</sup>

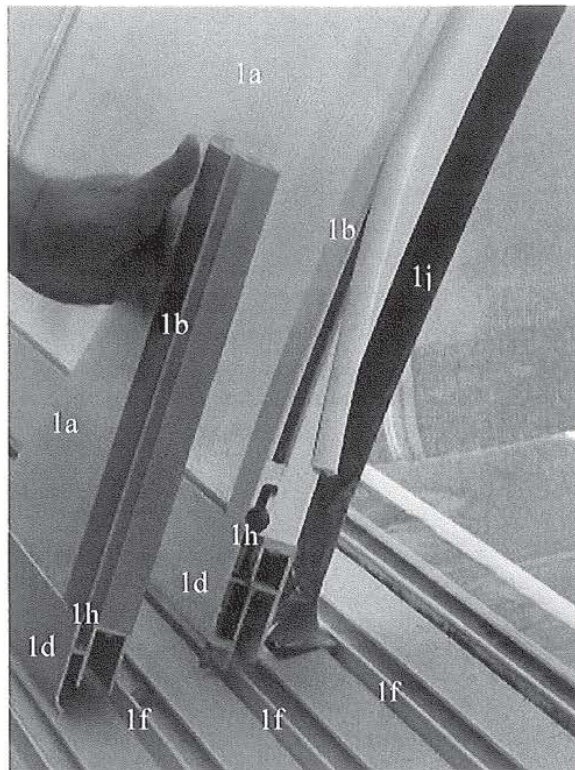
38. The Utah Installation was inspected by Aqua Shield's representative, Bob Brooks in August 2010. Ex. 1, Declaration of Brooks, ¶ 41.

39. Pictures taken from that inspection are provided. Ex. 1, Declaration of Brooks, ¶ 42.

40. Figure 1 shows arcuate panels that are generally rectangular and have two ends and two sides as identified by 1a. 1b identifies the arcuate frame members with ends. The frame members receive the rectangular panels 1a. 1d identifies the horizontal frame member. Numbered item 1f depicts horizontal rails on which Defendants' Products slide.

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<sup>2</sup> By admission of IPC it has become law of case that the sale into Utah is attributed to IPC. Ex. 3 (January 31, 2008 Reply of IPC to proceedings in New York and December 31, 2008 Order of the New York District Court).



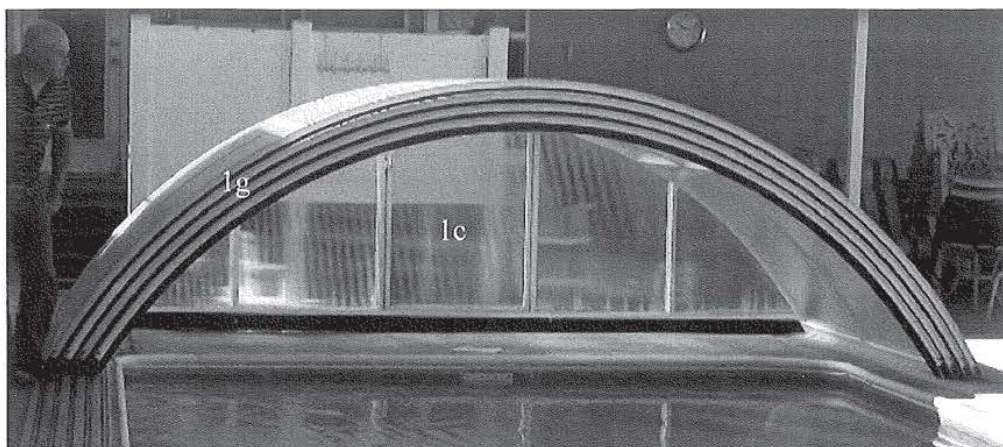
**Figure 1**

41. The horizontal frame members have inner and outer sides. Ex. 1, Declaration of Brooks, ¶ 44.

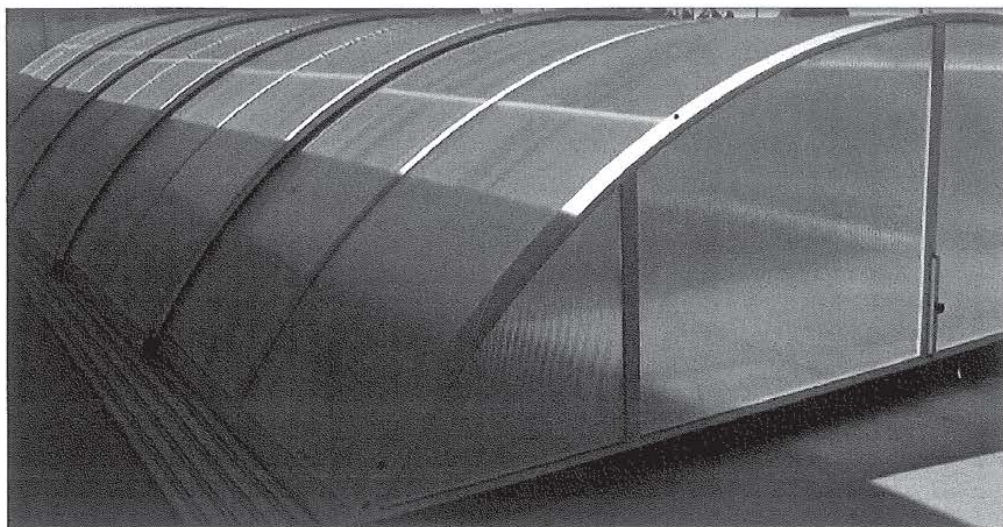
42. Roller or wheels are fixed to the bottom of horizontal frame members 1d to permit frame 1d to slide along horizontal rails 1f. Ex. 1, Declaration of Brooks, ¶ 45.

43. Figures 2 and 3 illustrate the telescoping feature claimed in claim 1. Figure 2 shows the accused device with one of the end panels 1c removed. 1g illustrates the telescoping nature of the arcuate panels 1a. Ex. 1, Declaration of Brooks, ¶ 46.





**Figure 2**



**Figure 3**



44. Figures 4-7 show the different modes the Accused Products practice to remove the end panels.

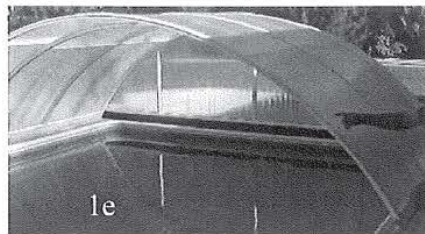


Figure 4

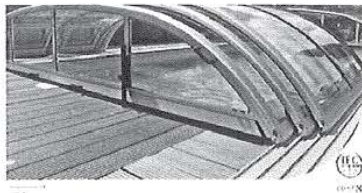


Figure 5



Figure 6



Figure 7

A gallery of Defendants' Products are shown at <http://www.poolcover-ipc.com/en/> and as distributed in the U.S.A. through Defendant Pool and Spa Enclosures USA (<http://www.poolandspaenclosuresusa.com/>). Ex. 1, Declaration of Brooks, ¶ \_\_.

45. The Utah Installation is of an approximately semi-circular shape, which is one of the claims of the '160 patent. Additionally, IPC website also depicts arcuate panels with approximately half-ellipse shape.

46. The Utah Installation includes arcuate frame members which have a generally rectangular shaped housing with a pair of horizontal, u-shaped openings on the outer surface into which the arcuate panels placed. The Utah Installation also includes a flap shown as 1j. Ex. 1, Declaration of Brooks, ¶ 49.

47. The frame member of the Utah Installation also includes an opening to hold the flap. Ex. 1, Declaration of Brooks, ¶ 50.

48. The frame member of the Utah Installation also includes a u-shaped opening on the underside of the frame member. Rollers or wheels are fixed in the opening. In use, the rollers contact the horizontal rails 1f. Ex. 1, Declaration of Brooks, ¶ 51.

49. The U-shaped frame of the Utah Installation also includes an anchor plate for contacting the rails, which was verifiable by naked eye during inspection but were unable to take a picture of due to access restriction.

50. The anchor plate of the Utah Installation also includes a hook disposed on its lower end for securing the arcuate panel against vertical movement, which was verifiable by naked eye during inspection but were unable to take a picture of due to access restriction.

51. The Utah Installation also includes an upwardly disposed U-shaped receptacle for receiving first end of arcuate panel (1h in Figure 1).

52. The Utah Installation also includes a base plate upon which rails are mounted and attached to foundation.

53. The Utah Installation also includes a slot in the rail off the base plate to couple with the hook on the anchor plate.

54. The Utah Installation includes multiple rails attached to the base plate.

55. The Utah Installation includes tabs on the end of base plates for attaching a base plate to another neighboring base plate to create a continuous track system in the transverse direction.

56. The Utah Installation includes means for ensuring that the arcuate panels remain on the rail 1f and for preventing them from sliding off the track at the end of the track.

57. The Utah Installation enables one to walk over the rails.

58. The Utah Installation has transparent arcuate panels.

59. Hooks and straps securing the arcuate panels to ground were not detected at the Utah Installation at the time of the visit (they are used as needed during high wind conditions), but the hooks-and-straps system is depicted on models on the IPC's website.

60. IPC's other models including, but not limited to, the Universe, Laguna, Tropea, Combi, Style, Veranda, Spa and Orient models and based upon my review of IPC's product information these additional models have the same structural and functional features as the Utah Installation (Elegant model). Ex. 1, Declaration of Brooks, ¶ 63.

### **III. POINTS AND AUTHORITIES**

Aqua Shield seeks partial summary judgment that Defendants infringe claims 1-16 of the '160 Patent. Therefore, Plaintiff's only burden for this motion is to establish that claims 1-16 of the '160 Patent read on the Accused Products.<sup>3</sup>

Under Rule 56, the moving party "bears the initial responsibility of informing the district court of the basis for its motion, and identifying those portions . . . which it believes demonstrate the absence of a genuine issue of material fact." *Celotex Corp. v. Catrett*, 477 U.S. 317, 323 (1986). The burden then shifts to the nonmoving party to "set forth specific facts showing that there is a genuine issue for trial." Fed. R. Civ. P. 56(e); *Birdog Solutions, Inc. v. ATD-American Co.*, 2008 WL 1776520, at \*2-3 (D. Neb. April 14, 2008). The non-movant, however, "must do more than merely present some evidence on an issue it asserts is disputed. Sufficient evidence for a jury to return a verdict in favor of the nonmovant must be forthcoming." *A.B. Chance Co. v. RTE Corp.*, 854 F.2d 1307, 1311 (Fed. Cir. 1988); *Palesch v. Missouri Commission on Human Rights*, 233 F.3d 560, 565 (8th Cir. 2000) (stating that the "nonmoving party may not merely rest upon allegations or denials in its pleadings . . ."). "Where a defendant attempts to avoid summary judgment by relying on an issue on which it would have the burden of proof at trial, however, it must establish that it can meet its burden." *Terra Ind., Inc. v. National Union Fire Insurance Co.*, 383 F.3d 754, 760 (8th Cir. 2004).

In determining whether there is a genuine issue of material fact, the evidence must be viewed in the light most favorable to the party opposing the motion, with doubts resolved in favor of the nonmovant. *Elnashar v. Speedway SuperAmerica, LLC*, 484 F.3d 1046, 1055 (8th Cir. 2007); *Transmatic, Inc. v. Gulton Indus., Inc.*, 53 F.3d 1270, 1274 (Fed. Cir. 1995).

Summary judgment is properly regarded not as a disfavored procedural shortcut, but rather as an integral part of the Federal Rules as a whole, which are designed 'to secure the just, speedy and inexpensive determination of every action. *E.g., City of Omaha v. Figg Bridge*

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<sup>3</sup> The '160 Patent is presumed valid. 35 U.S.C. 282 ("A patent shall be presumed valid.").

*Engineers, Inc.*, 2008 WL 2165186, at \*2 (D. Neb. May 20, 2008) (quoting *Celotex Corp.*, 477 U.S. at 327).

The determination of patent infringement is a two-step process, wherein the court construes the claims and then determines whether any one claim of the patent with each of its parts or an equivalent part is found in the accused device. *Roche Palo Alto, LLC v. Apotex, Inc.* 531 F.3d 1372, 1377 (Fed. Cir. 2008). The first step, “[c]laim interpretation, as a questions of pure law, is amenable to summary judgment.” *Wilson Sporting v. Hillerich Bradsby*, 442 F.3d 1322, 1326 (Fed. Cir. 2006). Step two, comparison of the claim to the accused device, requires a determination that every claim limitation or its equivalent be found in the accused device. *Warner-Jenkinson Co. v. Hilton Davis Chem. Co.*, 520 U.S. 17, 29, 41 USPQ2d 1865 (1997). Summary judgment is proper when “there is no genuine issue as to any material fact and . . . the moving party is entitled to a judgment as a matter of law.” Fed. R. Civ. P. 56(c); *Utah Med. Prod. V. Clinical Innovations, Assoc.* 79 F.Supp.2d 2290, 1299 (D. Utah 1999) (“combining the [claim construction] and the motion for summary judgment is an efficient and sensible approach to what could otherwise be an unnecessary lengthy and multi-phased process”).

#### A. Claim Construction

“Claim construction is a matter of resolution of disputed meanings . . . . It is not an obligatory exercise in redundancy.” *U.S. Surgical Corp. v. Ethicon, Inc.*, 103 F.3d 1554, 1568 (Fed. Cir. 1997).

All infringement analysis begins with and hinges on a proper claim construction to determine, as a matter of law, the scope of the asserted claims. The legal scope of the claims is a matter of law for the court. *Markman v. Westview Instruments, Inc.*, 52 F.3d 967 (Fed. Cir. 1995).

The process of claim construction is well-defined:

It is well-settled that, in interpreting an asserted claim, the court should look first to the intrinsic evidence of record, *i.e.*, the patent itself, including the claims, the specification and, if in evidence, the prosecution history. *See Markman*, 52 F.3d

at 979, 34 USPQ2d at 1329. Such intrinsic evidence is the most significant source of the legally operate meaning of disputed claim language.

\* \* \* \* \*

In most situations, an analysis of the intrinsic evidence alone will resolve any ambiguity in a disputed claim term. In such circumstances, it is improper to rely on extrinsic evidence. (emphasis added)

*Vitronics Corp. v. Conceptronics, Inc.*, 90 F.3d 1576, 1582-3 (Fed. Cir. 1996). Such intrinsic evidence constitutes the “public record.” *Id.* at 1583.

The Federal Circuit expanded on *Vitronics Corp.* when it wrote, “In some cases, the ordinary meaning of claim language as understood by a person of skill in the art may be readily apparent even to lay judges, and claim construction in such cases involves little more than the application of the widely accepted meaning of commonly understood words.” *Phillips v. AWH Corp.*, 415 F.3d 1303, 1314 (Fed. Cir. 2005). Such advice may be applicable with the simple technology involved in the present case.

The primary source to consider is the claims themselves. *Phillips* at 1312. Next, the claims, “as part of an integrated document...must be read in view of the specification, of which they are a part. [The specification] is always highly relevant to the claim construction analysis. Usually, it is dispositive; it is the single best guide to the meaning of a disputed term.” *Phillips* at 1315 citing *Markman* at 978-79. “A fundamental rule of claim construction is that terms of a patent document are construed with the meaning with which they are presented in the patent document. Thus, claims must be construed so as to be consistent with the specification, of which they are a part.” *Phillips* at 1316 citing *Merck & Co. v. Teva Pharms. USA, Inc.*, 347 F.3d 1367, 1371 (Fed. Cir. 2003) (citations omitted). The court further advised, “the construction that stays true to the claim language and most naturally aligns with the patent’s description of the invention will be, in the end, the correct construction.” *Phillips* at 1316 citing *Renishaw PLC v. Marposs Societa' per Azioni*, 158 F.3d 1243, 1250 (Fed. Cir. 1998). Terms that give meaning to the other claims, including words in the preamble, are to be included in claims construction. *E.g., Perkin-*

*Elmer Corp. v. Computervision Corp.*, 732 F.2d 888 (Fed. Cir. 1984), *cert. denied*, 469 U.S. 857 (1984).

Thus, to determine the meaning of claim limitations, the Court gives the words their ordinary and customary meaning as understood by a person of ordinary skill in the art and also looks to intrinsic evidence of record, i.e. the claim language, the patent specification (i.e. the written description and drawings), and the prosecution history. *Innogenetics v. Appott Laboratories*, 512 F.3d 1363, 1370 (Fed. Cir. 2008). Dictionary definitions may also be helpful:

In some cases, the ordinary meaning of claim language as understood by a person of skill in the art may be readily apparent even to lay judges, and claim construction in such cases involves little more than the application of widely accepted meaning of commonly understood words. In such circumstances, general purpose dictionaries may be helpful.

*Phillips v. AWH Corp.*, 415 F.3d 1303, 1314 (Fed. Cir. 2005) (citations omitted); *see also Drygel, Inc. v. United States*, 541 F.3d 1129, 1135 (Fed. Cir. 2008) (relying on *The American Heritage Dictionary* to interpret claim language).

In this case, the intrinsic evidence guides the claim construction. Claim one reads:

Claim Language	Proposed Construction
1. An apparatus for providing an enclosure for attachment to a building or for covering an area, comprising:	Plain meaning
a) a plurality of arcuate panels, said panels having a first and second end, and a first and second side, wherein said panels are generally rectangular, planar panels;	Rectangular panels should be construed to include rectangular sections or rectangular panels within a section.  '160 Patent, 7:33-36 and drawings.
b) a plurality of arcuate frame members, said frame members having a first and second end, and a first and second side for receiving said panels, and an inner and an outer surface;	Arcuate should be given its plain meaning, specifically curved.  '160 Patent, 7:40-45 and drawings.
c) a pair of end panels for attachment to the ends of the enclosure to complete the enclosure;	End panels should be given its plain meaning.  '160 Patent 7:40-45 and drawings.
d) means-for a plurality of horizontal frame members whereby the ends of the arcuate frame members are secured;	The '160 patent teaches that the ends of the arcuate frame members are secured at their ends for example to the horizontal rails. '160 Patent, Drawings 12-18.

e) means for a plurality of rollers disposed on said horizontal frame members whereby said horizontal frame members are movable thereon;	<p>Plurality of rollers should be construed as a number of rollers.</p> <p>The limitation “whereby said horizontal frame members are movable thereon” should be construed to mean frame members are coupled or secured to rollers and the frame members are able to move on the rollers.  ‘160 Patent, 8:19-29.</p>
f) means for a plurality of horizontal rails whereby the rollers are rollable thereon and the rails are able to be attached to a foundation; and,	<p>Horizontal rails should be given its plain meaning.</p> <p>The limitation “rollers are rollable thereon” should be construed to mean the rollers roll along a rail.</p> <p>‘160 Patent 8:19-29.</p> <p>The limitation “attached to a foundation” should be given its plain meaning.</p>
g) wherein said plurality of arcuate panels and said plurality of arcuate frame members are sized so that arcuate panels and arcuate frame members of smaller diameter are disposed toward the interior of said panels and frame members of larger diameter so that said panels and frame members are able to telescope one within each other,	<p>The limitation, “plurality of arcuate panels and said plurality of arcuate frame members are sized so that arcuate panels and arcuate frame members of smaller diameter are disposed toward the interior of said panels and frame members of larger diameter so that said panels and frame members are able to telescope one within each other” should be given its plain meaning.</p> <p>‘160 Patent, 7:29-9:11</p>
wherein said arcuate panels approximate the shape of one of a circumference of half a circle or one-fourth an ellipse and	<p>The limitation half a circle should be given the meaning that a series of panels generally arch over a space in the general shape described.</p>
said end panels are generally flat and removable.	<p>Remove is defined as “to change the location, position, station, or resident of.” <i>Merriam Webster’s Collegiate Dictionary</i>, 10<sup>th</sup> Ed., 1993. The limitation removable should be construed to mean the telescoping structure can be separated from the end panel. “The two distal end arches have removable closure panels 20.”</p>



	'160 Patent, 8:36-37, 55-56, 64-65; 9:8-9.; See also '160 Patent, figures 4, 5, 9, 10, 11, 15
2.The apparatus of claim 1, wherein said arcuate panels approximate the shape of a circumference of half an ellipse.	'160 Patent, 9:1-4
3. The apparatus of claim 1, wherein said plurality of arcuate frame members further comprise a generally rectangular shaped housing having a pair of horizontally disposed U-shaped receptacles on said outer surface thereof for receiving said first and second sides of said arcuate panels	The frame member are shaped to include U-shaped openings or receptacles into which the arcuate panels slide so the frame member holds the arcuate panels in place.  '160 Patent, 7:41-45, 10:8-14
and an inwardly extending flap disposed on said inner surface.	A flap hangs down inside the enclosure from the frame member.  '160 Patent, 10:14-16
4. The apparatus of claim 3, wherein said rectangular shaped housing has a slot therein, said slot disposed on said inner surface thereof for receiving said flap.	The frame member includes a slot in the frame member to hold a flap.  '160 Patent, 10:14-16
5. The apparatus of claim 4, wherein said means for a plurality of horizontal frame members further comprise a downwardly disposed U-shaped form having a plurality of roller disposed internal said U-shaped frame, said rollers being used for contacting said means for a plurality of horizontal rails.	The shape of the frame member includes a u-shaped form opening downward and in which rollers are fixed for rolling on the horizontal rails.  '160 Patent 9:12-31
6. The apparatus of claim 5, wherein said U-shaped frame further comprises a downwardly disposed anchor plate thereon for contacting the rails.	The anchor plate extends downward from the frame member.  '160 Patent, 9:22-29, item 40, Figs. 12-14, 16, 18.
7. The apparatus of claim 6, wherein said anchor plate further comprises a hook disposed on the lower end of said anchor plate.	A hook-shaped structure is at a lower portion of the anchor plate.  '160 Patent, 9:22-29, item 53, Figs. 3, 16.
8. The apparatus of claim 7, wherein said U-shaped frame further comprising an upwardly	An opening to receive and secure the panel on the horizontal frame member.

disposed U-shaped receptacle thereon for receiving said first end of said arcuate panels.	'160 Patent, 9:12-31, Figs. 12-14
9. The apparatus of claim 8, said means for a plurality of horizontal rails further comprise a base plate upon which plate said rails are mounted and said rails are attached to a foundation.	The base plate supports the horizontal rails. '160 Patent, 9:12-21, item 50, Figs. 12, 14.
10. The apparatus of claim 9, wherein said rail has an enlarged, exposed edge for receiving said hook of said anchor plate so that said anchor plate is secured to said rail.	Rail has an edge adjacent the hook on the anchor plate. '160 Patent, 9:59-60, item 78, Fig. 16.
11. The apparatus of claim 10, further comprising means for adding additional rails to said rail base plate whereby the number of rails varies.	Compatible joining members to add additional rails. '160 Patent, 9:18-21, 62-67, items 52 and 62, Fig. 17
12. The apparatus of claim 11, wherein said means for adding additional rails further comprises a slot disposed in the edge of said base plate for receiving the edge of another base plate.	Compatible joining members to add additional rails. '160 Patent, 9:18-21, 62-67, items 52 and 62, Fig. 17
13. Then apparatus of claim 12, further comprising a stop rod and an end plug disposed in the end of said rail.	A rod and end plug are shaped to fit into the end of a rail. '160 Patent, 9:32-46, items 54 and 56, Fig. 14.
14. The apparatus of claim 13, further comprising a cover for being placed over the tops of said rails and a spacer for being placed between said rails to enable one to walk over said rails.	Plain Meaning. <i>See also</i> items 64 and 68, Fig. 20, '160 Patent, 10:17-24.
15. The apparatus of claim 4, further comprising a plurality of hooks and straps for securing said arcuate panels to said arcuate frame members.	Plain Meaning. '160 Patent, items 70 and 72, 10:25-34, Fig. 21.
16. The apparatus of claim 15, wherein said arcuate panels are transparent.	Plain meaning. '160 Patent, 7:29-34, 9:12-18, Figs. 1-11 and 21.

**B. Infringement ANALYSIS**

The Utah Installation and Defendants own representations in its promotional literature including current websites of Defendants establish that the Accused Products have the structural and functional elements of claims 1-16 of the '160 Patent.

As established and summarized in the claims charts provided, the Accused devices include, but are not limited to, arcuate rectangular panels, frame members, horizontal frame members to secure the panels, hooks and horizontal rails. Ex. 1, Declaration of Brooks, ¶¶ 43-44. Inspection of the Utah Installation also showed the Accused Products have end panels and that the arcuate sections slide telescopically together. Ex. 1, Declaration of Brooks, ¶¶ 46-47. The Utah Installation and Defendants' product literature confirm that the Accused Products utilize rollers on horizontal frame members, arcuate panels in the shape of half of a circle and have end panels which are generally flat and removable. Ex. 1, Declaration of Brooks, ¶¶ 47-54. Other claims elements of claims 2-16 are also all met. *Id.* at claim charts of Brooks.

As a result, claims 1-16 read on the Accused Products. This constitutes infringement.

**IV. CONCLUSION**

Defendants' Accused Products include each part or element of claim 1. The Accused Products also embody each and every part of claims 2-16 of the '160 Patent. Therefore, Aqua Shield is entitled to summary judgment that Defendants infringe claims 1-16 of the '160 Patent.

DATED this 19<sup>th</sup> day of April, 2011.

KIRTON & McCONKIE

By: s/Todd E. Zenger  
Todd E. Zenger  
Dax D. Anderson

Attorneys for Plaintiff  
AQUA SHIELD, INC.

**CERTIFICATE OF SERVICE**

I hereby certify that on this 19th day of April, 2011, the foregoing MEMORANDUM IN SUPPORT OF MOTION FOR SUMMARY JUDGMENT OF PATENT INFRINGEMENT was electronically filed with the Clerk of the Court, District of Utah, using the CM/ECF system, which sent notification of such filing to the following:

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Krista Weber Powell  
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\_\_\_\_\_  
s/Margaret L. Carlson

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# Exhibit 1

(Motion for Partial Summary Judgment)

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Attorneys for Plaintiff

IN THE UNITED STATES DISTRICT COURT  
DISTRICT OF UTAH, CENTRAL DIVISION

AQUA SHIELD, INC. a New York Corporation,  
Plaintiff,

vs.

INTER POOL COVER TEAM, ALUKOV HZ SPOL.  
S.R.O., ALUKOV, SPOL. S.R.O., POOL & SPA  
ENCLOSURES, LLC

Defendants.

Civil Action No. 2:09-cv-00013 TS

Judge Ted Stewart

**DECLARATION  
OF  
BOB BROOKS**

(JURY TRIAL DEMANDED)

The Declarant, Bob Brooks, states as follows:

1. I am a United States citizen. I am over the age of twenty-one years.
2. I am the inventor of Patent No. 6,637,160 ("the '160 Patent").
3. I am the CEO of Aqua Shield Inc., the Plaintiff ("Aqua Shield").
4. Aqua Shield is the owner by assignment of United States Patent No. 6,637,160 ("the '160 Patent") to Brooks.

5. Aqua Shield has not authorized or otherwise licensed any person or any entity to practice the inventions protected by the '160 Patent. As a result, no Defendant is authorized to utilize the inventions of the '160 Patent.

6. The '160 Patent is directed to a plurality of movable, telescoping, arcuate panels or arches that can roll on their own designated parallel tracks to enclose or expose a sun room or pool area. '160 Patent, 4:52-55.<sup>1</sup>

7. Defendants offer for sale, induce offers for sale, sell, manufacture, use and/or install within the United States a line of telescopic enclosures, including, but not limited to, models sold under the name "Universe," "Laguna," "Elegant," "Tropea," "Combi," "Style," "Veranda," "Spa Veranda," and "Orient" (collectively "Defendants' Products").

8. Claim 1 of the '160 patent reads:

1. An apparatus for providing an enclosure for attachment to a building or for covering an area, comprising:
  - a) a plurality of arcuate panels, said panels having a first and second end, and a first and second side, wherein said panels are generally rectangular, planar panels;
  - b) a plurality of arcuate frame members, said frame members having a first and second end, and a first and second side for receiving said panels, and an inner and an outer surface;
  - c) a pair of end panels for attachment to the ends of the enclosure to complete the enclosure;
  - d) means-for a plurality of horizontal frame members whereby the ends of the arcuate frame members are secured;
  - e) means for a plurality of rollers disposed on said horizontal frame members whereby said horizontal frame members are movable thereon;
  - f) means for a plurality of horizontal rails whereby the rollers are rollable thereon and the rails are able to be attached to a foundation; and,

---

<sup>1</sup> Subsequent references to the written specification of the '160 Patent are given in the form of "'160 Patent xx:yy," with xx denoting the column number(s) and yy denoting the line Number(s).

- g) wherein said plurality of arcuate panels and said plurality of arcuate frame members are sized so that arcuate panels and arcuate frame members of smaller diameter are disposed toward the interior of said panels and frame members of larger diameter so that said panels and frame members are able to telescope one within each other, wherein said arcuate panels approximate the shape of one of a circumference of half a circle or one-fourth an ellipse and said end panels are generally flat and removable.

'160 Patent 10:37-67.

9. Claim 1 requires six structural elements: (1) arcuate, generally rectangular, planar panels, (2) arcuate frame members, (3) end panels, (4) horizontal frame members to secure the panels, (5) rollers on horizontal frame members and (6) horizontal rails. The panels and frames are sized to permit them to slide telescopically into one another, the arcuate panels are in the shape of half of a circle or a quarter of an ellipse and the end panels are generally flat and removable. '160 Patent 10:37-67.

10. Claim 2 reads:

- 2. The apparatus of claim 1, wherein said arcuate panels approximate the shape of the circumference of half an ellipse.

'160 Patent 11:1-3.

11. Claim 2 claims arcuate panels in the approximate shape of the half ellipse.

12. Claim 3 reads:

- 3. The apparatus of claim 1, wherein said plurality of arcuate frame members further comprise a generally rectangular shaped housing having a pair of horizontally disposed U-shaped receptacles on said outer surface thereof for receiving said first and second sides of said arcuate panels and an inwardly extending flap disposed on said inner surface.

'160 Patent 11:4-10.

13. Claim 3 requires the shape of the frame member to include U-shaped openings or receptacles into which the arcuate panels slide so the frame member holds the arcuate panels in place. *Id.*



14. Claim 4 reads:

4. The apparatus of claim 3, wherein said rectangular shaped housing has a slot therein, said slot disposed on said inner surface thereof for receiving said flap.

'160 Patent 11:11-13.

15. Claim 4 requires the shape of the frame member to include a slot in the frame member to hold a flap. *Id.*

16. Claim 5 reads:

5. The apparatus of claim 4, wherein said means for a plurality of horizontal frame members further comprise a downwardly disposed U-shaped frame having a plurality of roller disposed internal said U-shaped frame, said rollers being used for contacting said means for a plurality of horizontal rails.

'160 Patent 11:14-19.

17. Claim 5 requires the shape of the frame member to include a U-shaped form opening downward and in which rollers are fixed for rolling on the horizontal rails.

18. Claim 6 reads:

6. The apparatus of claim 5, wherein said U-shaped frame further comprises a downwardly disposed anchor plate thereon for contacting the rails.

'160 Patent 11:20-22.

19. Claim 6 requires the U-shaped horizontal frame member to include an anchor plate for contacting the rails to act as guide to maintain rollers over rail during movements.

20. Claim 7 reads:

7. The apparatus of claim 6, wherein said anchor plate further comprises a hook disposed on the lower end of said anchor plate.

'160 Patent 11:23-25.

21. Claim 7 requires a hook on the lower end of said anchor plate for securing the arcuate panel to the track to prevent its vertical movement.

22. Claim 8 reads:

8. The apparatus of claim 7, wherein said U-shaped frame further comprising an upwardly disposed U-shaped receptacle thereon for receiving said first end of said arcuate panels.

'160 Patent 11:26-29.

23. Claim 8 requires an upwardly U-shaped receptacle for receiving the first end of the arcuate panels to hold it in place.

24. Claim 9 reads:

9. The apparatus of claim 8, said means for a plurality of horizontal rails further comprise a base plate upon which plate said rails are mounted and said rails are attached to a foundation.

'160 Patent 12:1-4.

25. Claim 9 requires a base plate for mounting the rails and attaching to foundation.

26. Claim 10 reads:

10. The apparatus of claim 9, wherein said rail has an enlarged, exposed edge for receiving said hook of said anchor plate so that said anchor plate is secured to said rail.

'160 Patent 12:5-7.

27. Claim 10 requires a slot on the rail to couple with the hook on the bottom of the anchor plate.

28. Claim 11 reads:

11. The apparatus of claim 10, further comprising means for adding additional rails to said rail base plate whereby the number of rails varies.

'160 Patent 12:8-10.

29. Claim 11 requires a means for adding varying number of additional rails to said rail base plate.

30. Claim 12 reads:

12. The apparatus of claim 11, wherein said means for adding additional rails further comprises a slot disposed in the edge of said base plate for receiving the edge of another base plate.

'160 Patent 12:11-15.

31. Claim 12 requires a slot located such that a base plate could be attached to another neighboring base plate to create a continuous track system in the transverse direction.

32. Claim 13 reads:

13. The apparatus of claim 12, further comprising a stop rod and an end plug disposed in the end of said rail.

'160 Patent 12:16-17.

33. Claim 13 requires a stop rod and an end plug at the end of each rail to ensure that the arcuate panels remain on track and are prevented from sliding off the track at the end.

34. Claim 14 reads:

14. The apparatus of claim 13, further comprising a cover for being placed over the tops of said rails and a spacer for being placed between said rails to enable one to walk over said rails.

'160 Patent 12:18-21.

35. Claim 14 requires a cover over the rail assembly and spacers between individual rails to provide means for walking over the rails.

36. Claim 15 reads:

15. The apparatus of claim 4, further comprising a plurality of hooks and straps for securing said arcuate panels to said arcuate frame members.

'160 Patent 12:22-24.

37. Claim 15 requires hooks and straps for securing the arcuate panels to ground for additional security (in addition to the coupling between hook at bottom of anchor plate and the slot in the rail to prevent vertical movement).

38. Claim 16 reads:

16. The apparatus of claim 15, wherein said arcuate panels are transparent.

'160 Patent 12:25-26.

39. Claim 16 requires transparent arcuate panels

40. IPC's Elegant model is installed in Syracuse, Utah ("Utah Installation").

41. The Utah Installation was inspected by me in August 2010.

42. Pictures taken from that inspection are provided.

43. Figure 1 shows arcuate panels that are generally rectangular and have two ends and two sides as identified by 1a. 1b identifies the arcuate frame members with ends. The frame members receive the rectangular panels 1a. 1d identifies the horizontal frame member.

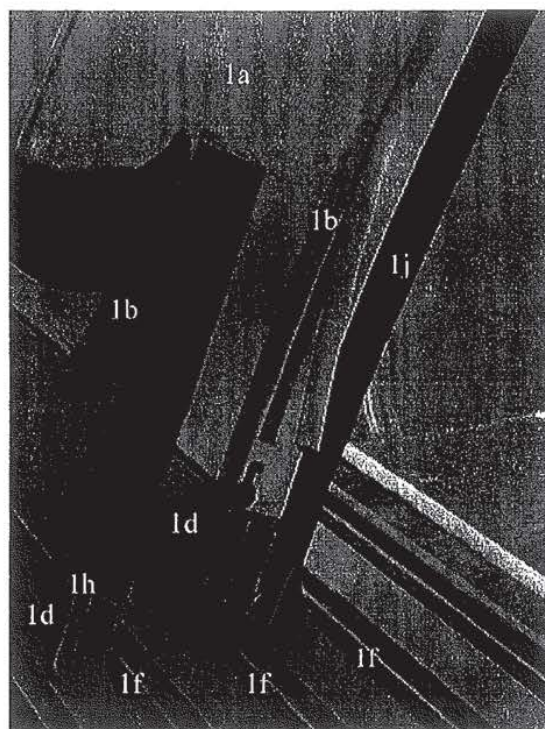


Figure 1

Numbered item 1f depicts horizontal rails on which Defendants' Products slide.

44. The horizontal frame members have inner and outer sides.

45. Roller or wheels are fixed to the bottom of horizontal frame members 1d to permit frame 1d to slide along horizontal rails 1f.

46. Figures 2 and 3 illustrate the telescoping feature claimed in claim 1. Figure 2 shows the accused device with one end panel 1c removed from the rest of the enclosure. 1g illustrates the telescoping nature of the arcuate panels 1a.

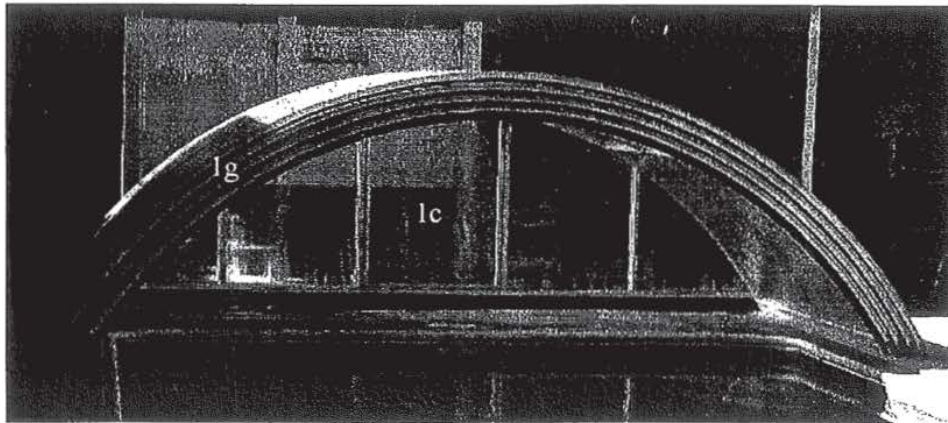


Figure 2

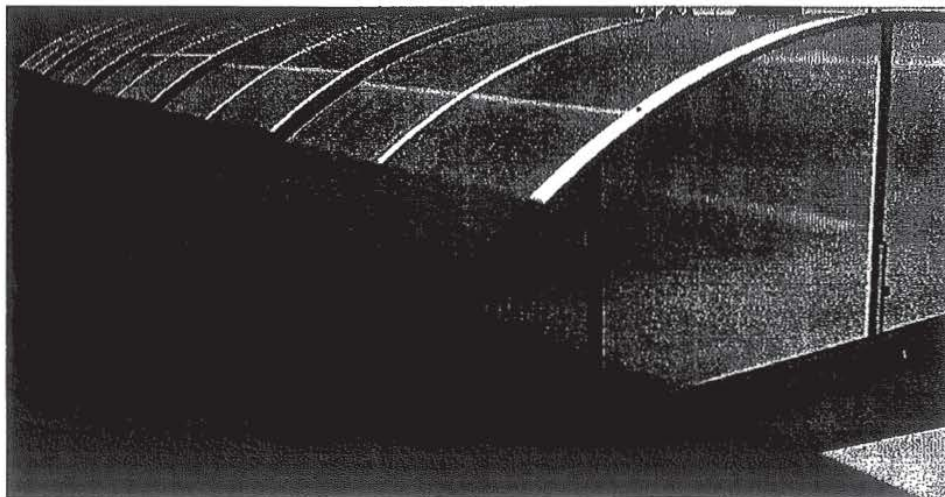


Figure 3

47. Figures 4-7 show the different modes the Accused Products practice to remove the end panels.

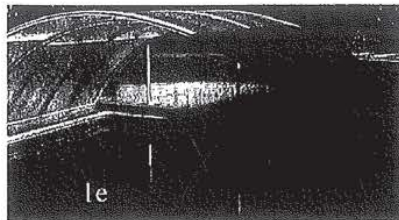


Figure 4

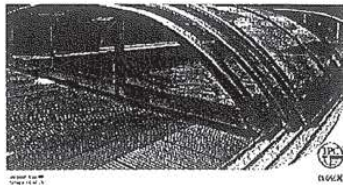


Figure 5

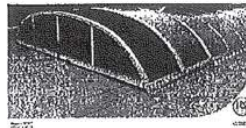


Figure 6

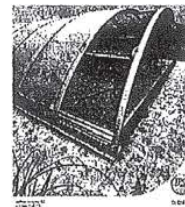


Figure 7

A gallery of Defendants' Products offered for sale are shown at <http://www.poolcover-ipc.com/en/> and as distributed in the U.S.A., for example, through Defendant Pool and Spa Enclosures USA (<http://www.poolandspaenclosuresusa.com/>).

48. The Utah Installation is of an approximately semi-circular shape, which is one of the claims of the '160 patent. Additionally, IPC website also depicts arcuate panels with approximately half-ellipse shape.

49. The Utah Installation includes arcuate frame members which have a generally rectangular shaped housing with a pair of horizontal, u-shaped openings on the outer surface into which the arcuate panels placed. The Utah Installation also includes a flap shown as 1j.



50. The frame member of the Utah Installation also includes an opening to hold the flap.

51. The frame member of the Utah Installation also includes a u-shaped opening on the underside of the frame member. Rollers or wheels are fixed in the opening. In use, the rollers contact the horizontal rails 1f.

52. The U-shaped frame of the Utah Installation also includes an anchor plate for contacting the rails which was verifiable by naked eye during inspection but were unable to take a picture of due to access restriction.

53. The anchor plate of the Utah Installation also includes a hook disposed on its lower end for securing the arcuate panel against vertical movement, which was verifiable by naked eye during inspection but were unable to take a picture of due to access restriction.

54. The Utah Installation also includes an upwardly disposed U-shaped receptacle for receiving first end of arcuate panel (1h in Figure 1).

55. The Utah Installation also includes a base plate upon which rails are mounted and attached to foundation.

56. The Utah Installation also includes a slot in the rail off the base plate to couple with the hook on the anchor plate.

57. The Utah Installation includes multiple rails attached to the base plate.

58. The Utah Installation includes tabs on the end of base plates for attaching a base plate to another neighboring base plate to create a continuous track system in the transverse direction.

59. The Utah Installation includes means for ensuring that the arcuate panels remain on the rail 1f and for preventing them from sliding off the track at the end of the track.

60. The Utah Installation enables one to walk over the rails.

61. The Utah Installation has transparent arcuate panels.

62. Hooks and straps securing the arcuate panels to ground were not detected at the Utah Installation at the time of the visit (they are used as needed during high wind conditions), but the hooks-and-strap system is depicted on models on the IPC's website.

63. IPC's other models including, but not limited to, the Universe, Laguna, Tropea, Combi, Style, Veranda, Spa and Orient models and based upon my review of IPC's product information these additional models have the same structural and functional features as the Utah Installation (Elegant model).

64. I have summarized how claims 1-16 of the '160 patent are found in the structure of the Accused Devices in the attached claim chart.

65. I declare under penalty of perjury that the foregoing is true and correct.

Date this 19th day of April, 2011.

By:

  
Bob Brooks



ATTACHMENT

Claim Language	<u>Infringing structure of Utah Installation and of other of Defendants' Products</u>	
1. An apparatus for providing an enclosure for attachment to a building or for covering an area, comprising:	Defendants' Products provide an enclosure for covering an area.	
a) a plurality of arcuate panels, said panels having a first and second end, and a first and second side, wherein said panels are generally rectangular, planar panels;	Defendants' Products have arcuate placed planar panels that are generally rectangular with two end and two sides.	
b) a plurality of arcuate frame members, said frame members having a first and second end, and a first and second side for receiving said panels, and an inner and an outer surface;	Defendants' Products have arcuate frame members with ends. The frame members receive the rectangular panels and have inner and outer sides or surfaces	
c) a pair of end panels for attachment to the ends of the enclosure to complete the enclosure;	Defendants' Products have two end panels.	
d) means-for a plurality of horizontal frame members whereby the ends of the arcuate	Defendants' Products have frame members secured at their ends.	

frame members are secured;		
e) means for a plurality of rollers disposed on said horizontal frame members whereby said horizontal frame members are movable thereon;	Defendants' Products have rollers attached to the horizontal frame members. The frame members can be moved on the rollers.	
f) means for a plurality of horizontal rails whereby the rollers are rollable thereon and the rails are able to be attached to a foundation; and,	Defendants' Products have horizontal rails on which the rollers move.	
g) wherein said plurality of arcuate panels and said plurality of arcuate frame members are sized so that arcuate panels and arcuate frame members of smaller diameter are disposed toward the interior of said panels and frame members of larger diameter so that said panels and frame members are able to telescope one within each other,	Defendants' Products have more than one arched panels and arched frame members which allow telescoping of the arches.	
wherein said arcuate panels approximate the shape of one of a circumference of half a circle or one-fourth an ellipse and	The arched panels are generally the shape of a half-circle or quarter of an ellipse.	

said end panels are generally flat and removable.	Defendants' end panel are generally flat and removable.	
2. The apparatus of claim 1, wherein said arcuate panels approximate the shape of a circumference of half an ellipse.	One or more of Defendants' Product have arched panels have the shape of about one half of an ellipse.	
3. The apparatus of claim 1, wherein said plurality of arcuate frame members further comprise a generally rectangular shaped housing having a pair of horizontally disposed U-shaped receptacles on said outer surface thereof for receiving said first and second sides of said arcuate panels and an inwardly extending flap disposed on said inner surface.	Defendants' Products have arcuate frame members which have a generally rectangular shaped housing with a pair of u-shaped openings on the outer surface into which the arcuate panels placed. The Utah Installation also includes a flap.	
4. The apparatus of claim 3, wherein said rectangular shaped housing has a slot therein, said slot disposed on said inner surface thereof for receiving said flap.	Defendants' Products have a frame member with opening to hold the flap.	
5. The apparatus of claim 4, wherein said means for a plurality of horizontal frame members further comprise a downwardly disposed U-shaped form having a plurality of	Defendants' Products have a u-shaped opening on the underside of the frame member. Rollers or wheels are fixed in the opening. In use, the rollers contact the horizontal rails.	

roller disposed internal said U-shaped frame, said rollers being used for contacting said means for a plurality of horizontal rails.		
6. The apparatus of claim 5, wherein said U-shaped frame further comprises a downwardly disposed anchor plate thereon for contacting the rails.	Defendants' Products have a downwardly extending anchor plate for contacting the rail.	
7. The apparatus of claim 6, wherein said anchor plate further comprises a hook disposed on the lower end of said anchor plate.	Defendants' Products have a hook shaped structure on the lower end of the anchor plate.	
8. The apparatus of claim 7, wherein said U-shaped frame further comprising an upwardly disposed U-shaped receptacle thereon for receiving said first end of said arcuate panels.	Defendants' Products have a u-shaped structure on the frame to receive the panel members.	
9. The apparatus of claim 8, said means for a plurality of horizontal rails further comprise a base plate upon which plate said rails are mounted and said rails are attached to a foundation.	Defendants' Products have base plate to support rails so the rails can be secured to the foundation.	
10. The apparatus of claim 9, wherein said rail has an enlarged, exposed edge for receiving	Defendants' Products have an enlarged edge to interact with the hook of the anchor plate.	

said hook of said anchor plate so that said anchor plate is secured to said rail.	
11. The apparatus of claim 10, further comprising means for adding additional rails to said rail base plate whereby the number of rails varies.	Defendants' Products have a varied number of rails.
12. The apparatus of claim 11, wherein said means for adding additional rails further comprises a slot disposed in the edge of said base plate for receiving the edge of another base plate.	Defendants' Products have a slot and tab configuration of the base plate to allow difference lengths to be joined together.
13. The apparatus of claim 12, further comprising a stop rod and an end plug disposed in the end of said rail.	Defendants' Products have a stop rod and end plug at the end of each installed rail.
14. The[] apparatus of claim 13, further comprising a cover for being placed over the tops of said rails and a spacer for being placed between said rails to enable one to walk over said rails.	Defendants' Products can include covers for the rails with spacer between the rails for support of the cover.
15. The apparatus of claim 4, further	Defendants' Products can include hooks and straps for connecting to the arched frame members for securing the arches.

comprising a plurality of hooks and straps for securing said arcuate panels to said arcuate frame members.	
16. The apparatus of claim 15, wherein said arcuate panels are transparent.	Defendants' Products have transparent panels.

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**IN THE UNITED STATES DISTRICT COURT  
DISTRICT OF UTAH, CENTAL DIVISION**

<p>AQUA SHIELD, INC.</p> <p>Plaintiff,</p> <p>vs.</p> <p>INTERPOOL COVER TEAM, ALUKOV HZ SPOL. S.R.O., ALUKOV, SPOL. S R.O., POOL &amp; SPA ENCLOSURES, LLC</p> <p>Defendants.</p>	<p><b>DEFENDANTS' MEMORANDUM OF POINTS AND AUTHORITIES IN OPPOSITION TO PLAINTIFF'S MOTION FOR PARTIAL SUMMARY JUDGMENT OF INFRINGEMENT OF UNITED STATES PATENT 6,637,160</b></p> <p><b>2:09cv00013-TS</b></p> <p><b>Judge: Ted Stewart</b></p>
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Defendants Inter Pool Cover Team ("IPC"), Alukov HZ spol. S.r.o., Alukov, spol. S.r.o. ("Alukov"), and Pool & Spa Enclosures, LLC ("Pool & Spa") (collectively referred to herein as "the IPC Defendants") hereby oppose plaintiff, Aqua Shield's Inc.'s motion for partial summary judgment. Accompanying this opposition are Objections to Plaintiff's "Statement of Undisputed Material Facts" as well as the Declaration of Gregory J. Coffey, attaching documents.

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**I. INTRODUCTION AND SUMMARY OF ARGUMENT**

This case involves claims by plaintiff, Aqua Shield, Inc., against defendants Inter Pool Cover Team ("IPC"), Alukov HZ spol. S.r.o., Alukov, spol. S.r.o. ("Alukov"), and Pool & Spa Enclosures, LLC ("Pool & Spa") (collectively referred to herein as "the IPC Defendants") for alleged infringement of U.S. Patent No. 6,637,160 ("the '160 Patent") pursuant to 35 U.S.C. §271(a) and other ancillary causes of action. IPC is a pan-European association of qualified manufacturers and traders who develop, produce and deal in swimming pool enclosures. (*See, Declaration of Gregory J. Coffey, Exhibit 1 attached thereto*). IPC's primary place of business is located in the Czech Republic. *See, Declaration of Gregory J. Coffey, Exhibit 1 attached thereto*). Customers cannot purchase IPC's products through its Internet website. IPC offers many models of pool enclosures. (*See, Declaration of Gregory J. Coffey, Exhibit 1 attached thereto*).

Plaintiff seeks partial summary judgment against the IPC Defendants asserting that IPC's pool enclosures infringe claims 1-16 of the '160 patent. Plaintiff relies upon the Declaration of Bob Brooks and photographs allegedly taken of an installed pool enclosure manufactured by the IPC Defendants in Syracuse, Utah in support of its application. Plaintiff's application makes only the conclusory statement that the IPC Defendants' pool enclosures include each party or element of claim 1 and embody each and every part of claims 2-16 of the '160 patent. Plaintiff fails to make the necessary showing that the IPC Defendants' products include every element recited in any particular claim, either literally or under the doctrine of equivalents. Accordingly, because plaintiff fails to demonstrate the presence of each limitation of a particular claim

or its substantial equivalent in the IPC Defendants' pool enclosures, its motion for partial summary judgment on infringement must be denied.

Furthermore, the '160 patent, filed in 2001, is invalid over prior art, the contents of which are set forth in the attached exhibits to the accompanying Declaration of Gregory J. Coffey. Specifically, several foreign patents, dated prior to Mr. Brooks having filed his patent application, show some, if not all of the elements of the claimed invention. First, a 1986 French patent shows arc shaped telescoping roofing elements of a pool enclosure installed on removable rails. (See, Declaration of Gregory J. Coffey, Exhibit 1d). Second, a 1981 Australian patent shows the same arc shaped telescoping roofing elements of a pool enclosure installed on removable rails. (See, Declaration of Gregory J. Coffey, Exhibit 1g). This is the claimed invention. The reference to these claims therefore anticipates and renders invalid the asserted claims of '160 patent.

Finally, IPC's own engineering schematics anticipates the '160 patent claims. The "classic" test for anticipation is: "That which will infringe, if later, will anticipate, if earlier." Chisum On Patents §3.02[1][f]. This is the situation here. One of the elements of claim 1 of the '160 patent is "a means for a plurality of horizontal rails." IPC has used a plurality of horizontal rails for its pool enclosures since at least February 4, 2000, as depicted in the engineering schematic drawing of the rails used by IPC in connection with at least some of its pool enclosures. (See, Declaration of Gregory J. Coffey, Exhibit 1c). As such, evidence exists that IPC developed, offered and used the plurality of horizontal rails now accused of infringement in 2000 – before Mr. Brooks filed for the '160 patent. For these reasons and the reasons that follow, Plaintiff's motion for partial summary judgment must be denied.

**II. RESPONSE TO STATEMENT OF MATERIAL FACTS**

Defendants, Inter Pool Cover Team (“IPC”), Alukov HZ spol. S.r.o., Alukov, spol, S.r.o. (“Alukov”), and Pool & Spa Enclosures, LLC (“Pool & Spa”) (collectively referred to herein as “the IPC Defendants”) have examined plaintiff’s Statement of Undisputed Material Facts and provides the following response hereto:

**A. Overview**

1. Admitted for purposes of the pending motion.
2. Admitted for purposes of the pending motion.
3. Admitted for purposes of the pending motion.
4. Admitted for purposes of the pending motion.

**B. The Asserted Claims**

5. Admitted for purposes of the pending motion.
6. Disputed inasmuch as it misstates facts in the record. (*See, Exhibit 2 to Brooks Declaration, ‘160 Patent 10:37-67*).
7. Admitted for purposes of the pending motion.
8. Disputed inasmuch as it misstates facts in the record. (*See, Exhibit 2 to Brooks Declaration, ‘160 Patent 11:1-29*).
9. Admitted for purposes of the pending motion.
10. Disputed inasmuch as it misstates facts in the record. (*See, Exhibit 2 to Brooks Declaration, ‘160 Patent 11:1-29*).
11. Admitted for purposes of the pending motion.

12. Disputed inasmuch as it misstates facts in the record. (*See, Exhibit 2 to Brooks Declaration, '160 Patent 11:1-29*).
13. Admitted for purposes of the pending motion.
14. Disputed inasmuch as it misstates facts in the record. (*See, Exhibit 2 to Brooks Declaration, '160 Patent 11:1-29*).
15. Admitted for purposes of the pending motion.
16. Disputed inasmuch as it misstates facts in the record. (*See, Exhibit 2 to Brooks Declaration, '160 Patent 11:1-29*).
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18. Disputed inasmuch as it misstates facts in the record. (*See, Exhibit 2 to Brooks Declaration, '160 Patent 11:1-29*).
19. Admitted for purposes of the pending motion.
20. Disputed inasmuch as it misstates facts in the record. (*See, Exhibit 2 to Brooks Declaration, '160 Patent 11:1-29*).
21. Admitted for purposes of the pending motion.
22. Disputed inasmuch as it misstates facts in the record. (*See, Exhibit 2 to Brooks Declaration, '160 Patent 12:1-27*).
23. Admitted for purposes of the pending motion.
24. Disputed inasmuch as it misstates facts in the record. (*See, Exhibit 2 to Brooks Declaration, '160 Patent 12:1-27*).
25. Admitted for purposes of the pending motion.
26. Disputed inasmuch as it misstates facts in the record. (*See, Exhibit 2 to Brooks Declaration, '160 Patent 12:1-27*).

- 27. Admitted for purposes of the pending motion.
- 28. Disputed inasmuch as it misstates facts in the record. (*See, Exhibit 2 to Brooks Declaration, '160 Patent 12:1-27*).
- 29. Admitted for purposes of the pending motion.
- 30. Disputed inasmuch as it misstates facts in the record. (*See, Exhibit 2 to Brooks Declaration, '160 Patent 12:1-27*).
- 31. Admitted for purposes of the pending motion.
- 32. Disputed inasmuch as it misstates facts in the record. (*See, Exhibit 2 to Brooks Declaration, '160 Patent 12:1-27*).
- 33. Admitted for purposes of the pending motion.
- 34. Disputed inasmuch as it misstates facts in the record. (*See, Exhibit 2 to Brooks Declaration, '160 Patent 12:1-27*).
- 35. Admitted for purposes of the pending motion.
- 36. Disputed inasmuch as it misstates facts in the record. (*See, Exhibit 2 to Brooks Declaration, '160 Patent 12:1-27*).

**C. The Accused Products.**

- 37. Disputed inasmuch as it assumes facts not in evidence in the record.
- 38. Disputed inasmuch as it assumes facts not in evidence in the record. (*See, Exhibit 1, Brooks Declaration*).
- 39. Disputed inasmuch as it assumes facts not in evidence in the record. (*See, Exhibit 2 to Brooks Declaration, '160 Patent 10:37-67*).



40. Disputed inasmuch as it assumes facts not in evidence in the record.  
Disputed inasmuch as it misstates facts in the record. (*See, Exhibit 2 to Brooks Declaration, '160 Patent 10:37-67*).
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44. Disputed inasmuch as it assumes facts not in evidence in the record.  
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54. Disputed inasmuch as it assumes facts not in evidence in the record.  
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55. Disputed inasmuch as it assumes facts not in evidence in the record.  
Disputed inasmuch as it misstates facts in the record. (*See, Exhibit 2 to Brooks Declaration, '160 Patent 12:1-27*).
56. Disputed inasmuch as it assumes facts not in evidence in the record.  
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57. Disputed inasmuch as it assumes facts not in evidence in the record.  
Disputed inasmuch as it misstates facts in the record. (*See, Exhibit 2 to Brooks Declaration, '160 Patent 12:1-27*).
58. Disputed inasmuch as it assumes facts not in evidence in the record.  
Disputed inasmuch as it misstates facts in the record. (*See, Exhibit 2 to Brooks Declaration, '160 Patent 12:1-27*).
59. Disputed inasmuch as it assumes facts not in evidence in the record.  
Disputed inasmuch as it misstates facts in the record. (*See, Exhibit 2 to Brooks Declaration, '160 Patent 12:1-27*).
60. Disputed inasmuch as it assumes facts not in evidence in the record.

## **II. STATEMENT OF FACTS AND PROCEDURAL HISTORY**

This case involves claims by plaintiff, Aqua Shield, Inc., against defendants Inter Pool Cover Team ("IPC"), Alukov HZ spol. S.r.o., Alukov, spol. S.r.o. ("Alukov"), and Pool & Spa Enclosures, LLC ("Pool & Spa") (collectively referred to herein as "the IPC

Defendants”) for alleged infringement of U.S. Patent No. 6,637,160 (“the ‘160 Patent”) pursuant to 35 U.S.C. §271(a) and other ancillary causes of action. The patent at issue in this litigation is the ‘160 patent. Bob Brooks is the sole inventor of the ‘160 patent.

IPC is a pan-European association of qualified manufacturers and traders who develop, produce and deal in swimming pool enclosures. (*See, Declaration of Gregory J. Coffey, Exhibit 1 attached thereto*). IPC’s primary place of business is located in the Czech Republic. Customers cannot purchase IPC’s products through its Internet website. IPC offers many models of pool enclosures.

On July 19, 2005, plaintiff alleged that the IPC Defendants sold an allegedly infringing product to Sunshine Pool Products in Utah. On October 18, 2005 plaintiff filed a complaint with the United States District Court for the Eastern District of New York and requested that the Court issue an Order to Show Cause why Aqua Shield should not be granted injunctive relief against IPC. On October 26, 2005, the Eastern District of New York denied plaintiff’s request for a preliminary injunction. On or around December 31, 2008, the Eastern District of New York determined that the case could have been brought in Utah, and accordingly, transferred the case to the United States District Court for the District of Utah by Order dated January 5, 2009. The IPC Defendants’ opposition to Plaintiff’s motion for partial summary judgment on infringement of the ‘160 patent follows.

#### **IV. POINTS AND AUTHORITIES**

Plaintiff alleges that there are disputed issues of fact regarding the existence of direct infringement by the IPC Defendants of the asserted claims of the ‘160 patent. Plaintiff’s position is untenable. For the reasons that follow, Plaintiff fails to satisfy its

burden under Rule 56 of the Federal Rules of Civil Procedure, and its motion for partial summary judgment on patent infringement should be denied.

**A. Legal Standard for Summary Judgment**

Summary judgment “should be rendered only if the pleadings, the discovery and disclosure materials on file, and any affidavits show that there is no genuine issue as to any material fact and that the movant is entitled to judgment as a matter of law.” *Fed.R.Civ. P.* 56(c); *Celotex Corp. v. Catrett*, 477 U.S. 317, 330 (1986). A genuine issue of material fact exists only if “the evidence is such that a reasonable jury could find for the non-moving party.” *Anderson v. Liberty Lobby, Inc.*, 477 U.S. 242, 248 (1986). Put differently, summary judgment may be granted only if the pleadings, supporting papers, affidavits, and admissions on file, when viewed with all inferences in favor of the non-moving party demonstrate that there is no genuine issue of material fact. *Todaro v. Bowman*, 872 F.2d 43, 46 (3<sup>rd</sup> Cir. 1989). At the summary judgment stage, “the evidence of the nonmovant is to be believed, and all justifiable inferences are to be drawn in her favor. *Anderson, supra*, 477 U.S. at 255.

The burden of establishing the nonexistence of a “genuine issue” is on the party moving for summary judgment. *Celotex, supra*, 477 U.S. at 330. As the non-moving party, the IPC Defendants bear a light burden. To withstand the plaintiff’s motion, the IPC Defendants need only come forward with evidence that creates a genuine issue as to any material fact challenged, and will prevail even if the record reveals the existence of just one genuine issue of material fact. *Anderson, supra*, 477 U.S. at 248. A fact is material, and thus preclusive of summary judgment, if it influences the outcome under governing law. *Id.*

Furthermore, at the summary judgment stage, a court may not weigh the evidence or make credibility findings – these tasks are left to the fact finder at trial. Petruzzi's IGA v. Darling-Delaware, 998 F.2d 1224, 1230 (3<sup>rd</sup> Cir. 1993). Therefore, to raise a genuine issue of material fact, “the opponent to a summary judgment motion need not match, item for item, each piece of evidence proffered by the movant, but simply must exceed the ‘mere scintilla’ standard. *Id.* (quoting Anderson, 477 U.S. at 252).

Although the first step of a patent infringement analysis – construction of the asserted claims – is a question of law for the Court, the second step – the infringement analysis – is a question of fact. *See, Markman v. Westview Instruments, Inc.*, 52 F.3d 967, 979 (Fed. Cir. 1995); Bai v. L&L Wings, Inc., 160 F.3d 1350, 1353 (Fed. Cir. 1998). In order to prevail at summary judgment on infringement, plaintiff must prove that “no reasonable jury could find that every limitation recited in a properly construed claim . . . is not found in the accused device either literally or under the doctrine of equivalents.” PC Connector Solutions, LLC v. SmartDisk Corp., 406 F.3d 1359, 1364 (Fed. Cir. 2005). Because plaintiff cannot demonstrate there is no genuine dispute of material fact as to direct infringement, plaintiff’s motion for partial summary judgment on infringement should be denied.

**B. Legal Standard for Claims Construction**

Interpretation of the claims is a matter of law within the exclusive province of the Court. Markman v. Westview Instruments, Inc., 52 F.3d 967, 979 (Fed Cir. 1995), *aff’d*, 517 U.S. 370 (1996). In resolving disputes as to how a particular claim term is to be construed, the Court begins its analysis from the “objective baseline” of how a person of ordinary skill in the art would understand that term. Phillips v. AWH Corp., 415 F.3d

1303, 1313 (Fed. Cir. 2005). To determine how a person of ordinary skill would understand a claim term, the Court considers three pieces of “intrinsic evidence”: the language of the claim at issue, the patent specification, and the prosecution history. *Markman*, 52 *F.3d* at 978-79.

The context in which the claim appears may provide important guidance in interpreting its meaning. *Phillips*, 415 *F.3d* at 1314. For example, an inventor will normally use a term consistently throughout the patent, and, therefore, the usage of a term in one claim can illuminate the meaning of the term in another claim. *Id.* Conversely, pursuant to the “all-elements rule”, courts should interpret the claims so that each term has a meaning distinct from the other terms and no term is redundant of another. *Unique Concepts, Inc. v. Brown*, 939 *F.2d* 1558, 1561-62 (Fed. Cir. 1991).

**1. The Specification is Often Determinative of Claim Construction.**

Claims do not stand alone. Because the patent is a fully integrated written instrument, the court must read the claims in view of the specification. *Phillips*, 415 *F.3d* at 1315. “The specification is always highly relevant to the claim construction analysis. Usually, it is dispositive; it is the single best guide to the meaning of a disputed term.” *Vitronics Corp. v. Conceptronic, Inc.*, 90 *F.3d* 1576, 1582 (Fed. Cir. 1996). The specification offers guidance as to the definition of terms that have no ordinary meaning or accustomed meaning. *Bell Atl. Network Servs., Inc. v. Covad Commc’ns Group, Inc.*, 262 *F.3d* 1258, 1269-70 (Fed. Cir. 2001). Even in cases where a term does have an ordinary or accustomed meaning, the Court must still consult the specification because the inventor may particularly define the term or disclaim or disavow a particular meaning of the term. *Id.*; *Phillips*, 415 *F.3d* at 1316. The patentee may define a term explicitly or

implicitly. For example, “when a patentee uses a claim term throughout the entire patent specification, in a manner consistent with only a single meaning, he has defined that term ‘by implication.’” *Bell Atl.*, 262 *F.3d* at 1271 (citations omitted).

**2. The Prosecution History Should Also Be Considered.**

The Court should also consider the prosecution history in determining the meaning of a claim term. The prosecution history constitutes the complete record of the proceedings before the Patent Office that resulted in the issuance of the patent-in-suit. The prosecution history “can often inform the meaning of the claim language by demonstrating how the inventor understood the invention . . .” *Phillips*, 415 *F.3d* at 1317.

**3. Extrinsic Evidence May Only Be Considered to the Extent it is Consistent with Intrinsic Evidence.**

In the exercise of discretion, courts may also rely upon extrinsic evidence such as expert testimony, dictionaries, and learned treatises. *Phillips*, 415 *F.3d* at 1317. Importantly, however, the Federal Circuit views “extrinsic evidence in general as less reliable than the patent and its prosecution history in determining how to read claim terms.” *Id.* at 1318. In particular, the Federal Circuit has cautioned against heavy reliance upon dictionaries. Such reliance “divorced from the intrinsic evidence risks transforming the meaning of the claim term to the artisan into the meaning of the term in the abstract, out of its particular context, which is the specification.” *Id.* at 1321.



**C. The Patent-In-Suit**

The patent at issue in this litigation is the '160 patent. Bob Brooks is the sole inventor of the '160 patent. Claim 1 of the '160 patent, the only independent claim asserted is representative and recites the following:

An apparatus for providing an enclosure for attachment to a building or for covering an area comprising:

- a) a plurality of arcuate panels, said panels having a first and second end, and a first and second side, wherein said panels are generally rectangular, planar panels;
- b) a plurality of arcuate frame members, said frame members having a first and second end and a first and second site for receiving said panels, and an inner and outer surface;
- c) a pair of end panels for attachment to the ends of the enclosure to complete the enclosure;
- d) means for a plurality of horizontal frame members whereby the ends of the arcuate frame members are secured;
- e) means for a plurality of rollers disposed on said horizontal frame members whereby said horizontal frame members are movable thereon;
- f) means for a plurality of horizontal rails whereby the rollers are rollable thereon and the rails are able to be attached to a foundation; and
- g) wherein said plurality of arcuate panels and said plurality of arcuate frame members are sized so that arcuate panels and arcuate frame members of smaller diameter are disposed toward the interior of said panels and frame members of larger diameter so that said panels and frame members are able to telescope one within each other, wherein said arcuate panels approximate the shape of one of a circumference of half a circle or one-fourth an ellipse and said end panels are generally flat and removable.

**D. Claims Construction Analysis**

The IPC Defendants refute the proposed construction of several limitations in claim 1 of the '160 patent as set forth by plaintiff in its moving papers. To the extent that the Court determines that construction of claims is required, the IPC Defendants respectfully request that a hearing pursuant to Markman v. Westview Instruments, Inc., 52 F.3d 967 (Fed. Cir. 1995) (en banc) aff'd, 517 U.S. 370 (1996) be convened and a Claims Construction Order be entered.

If an accused product does not infringe an independent claim because the accused product is missing at least one element from the independent claim, then any claim that is dependent upon that same independent claim is also not infringed. Wolverine World Wide v. Nike, Inc., 38 F.3d 1192, 1199 (Fed. Cir. 1994); Becton Dickinson & Co., v. C.R. Bard, Inc., 922 F.2d 792 (Fed. Cir. 1994). This is logical because a dependent claim must be construed to have all the elements of the independent claim from which the dependent claims depends, and then must have the additional elements of the dependent claim, too. Thus, if an accused product is missing an element from the independent claim, then that same element is also missing from the dependent claim.

Here, Claims 2 through 16 of the '160 patent are dependent on Claim 1, and therefore cannot be infringed absent infringement of independent claim 1. Because the IPC products do not have at least one element required by Claim 1, then a claims construction analysis of claims 2 through 16 is unnecessary for purposes of this motion. As set forth above, the IPC Defendants' refute the proposed construction of Claim 1 proffered by plaintiff in its moving papers and submit the following proposed construction of the refuted limitations:

CLAIM LANGUAGE	PROPOSED CONSTRUCTION
1. An apparatus for providing an enclosure for attachment to a building or for covering an area comprising:	Plain meaning. No dispute.
a)a plurality of arcuate panels, said panels having a first and second end, and a first and second side, wherein said panels are generally rectangular, planar panels;	Arcuate panels should be given its plain meaning and rectangular panels should be construed to only include rectangular panels and not rectangular panels within a section
d) means-for a plurality of horizontal frame members whereby the ends of the arcuate frame members are secured;	The ends of the arcuate frame members are fastened to the horizontal frame members.  The addition of horizontal rails in plaintiff's construction where it does not exist in the claim language reduces the number of elements that must be found in the accused products in the present case.

#### **E. Patent Infringement Analysis**

Under the so-called "all elements rule", there is no infringement of any patent claim unless every limitation or requirement set forth in the claim is found in the accused product or process, or by a substantial equivalent under the Doctrine of Equivalents. *Wolverine World Wide v. Nike, Inc.*, 38 *F.3d* 1192, 1196 (Fed. Cir. 1994). If the accused device lacks even a single element required by the claim, then the accused device does not literally infringe. Thus, "to prevail on summary judgment, plaintiff is required to proffer evidence that the IPC Defendants' accused pool enclosures contained every claim element either exactly or by a substantial equivalent." *S. Bravo Systems v. Containment Technologies, Inc.*, 96 *F.3d* 1372, 1376 (Fed. Cir. 1996).

**1. Under the All Elements Rule, There is No Evidence that the IPC Products Contain Hooks and Straps for Securing the Panels to the Ground As Expressly Required by Claim 15 of the '160 Patent.**

The IPC Defendants respectfully submit that plaintiff has failed to carry its burden that the IPC Defendants' accused pool enclosures contained every claim element either literally or by its substantial equivalent. Plaintiff relies solely upon the affidavit of Mr. Brooks and the photographs allegedly taken during a site inspection to Utah in August of 2010 in support of its infringement analysis. However, even though plaintiff attempts to identify which claims of the patent are allegedly infringed through the photographs, plaintiff concedes that certain elements recited in the claims were not present during the site inspection and the allegedly corresponding photographs. For example, Claim 10 of the '160 patent reads that the apparatus of claim 9, wherein said rail has an enlarged, exposed edge for receiving said hook of said anchor plate so that said anchor plate is secured to said rail. Despite this claim language, plaintiff concedes that the photographs produced and relied upon do not depict an anchor plate for contacting the rails. (*See, Plaintiff's Statement of Material Facts* ¶49-50). Plaintiff asserts that the anchor plate recited in Claim 10 is verifiable by the naked eye, but admits that the photographs relied upon do not verify this element. (*See, Plaintiff's Statement of Material Facts* ¶49-50). For such reasons, a disputed material fact as to whether the IPC Defendants accused pool enclosures contains every claim element of the '160 patent exists.

Similarly, plaintiff concedes that the pool enclosure installation it observed during its alleged site inspection to Utah in August of 2010 did not contain hooks and straps for

securing the panels to the ground to prevent vertical movement. (*See, Plaintiff's Statement of Material Facts* ¶59). This is in direct contradiction to Claim 15 of the '160 patent. Claim 15 reads the apparatus of claim 4, further comprising a plurality of hooks and straps for securing said arcuate panels to said arcuate frame members. Plaintiff speciously attempts to disregard the absence of the hooks and straps as only being necessary during high winds, but offers no evidence under the claim language of the '160 patent to support this construction.

Similarly, plaintiff asserts that the hooks and straps mandated by Claim 15 apply to models of pool enclosures on the IPC website, but this assertion is conclusory and without foundation. The Brooks affidavit simply says that the IPC pool enclosures may have hooks and straps. This overbroad assumption fails to make any showing at all that the pool enclosures on the IPC website includes every element recited in any particular claim of the '160 patent, either literally or under the doctrine of equivalents. For these reasons, the IPC Defendants respectfully submit that a material and disputed fact exists that precludes entry of partial summary judgment at this time.

**F. There Has Been No Showing that IPC's Products Infringe the '160 Patent**

Plaintiff's motion for partial summary judgment must also be denied because the IPC Defendants have raised substantial questions regarding the alleged infringement. Plaintiff makes reference to IPC's other models and Mr. Brooks' review of IPC's product information contained on its website. Plaintiff relies upon Mr. Brooks' opinion that the additional models all contain the same structural and functional features as the Utah installation. (*See, Plaintiff's Statement of Material Facts* ¶60). However, this purported

review by Mr. Brooks constitutes nothing more than a “net opinion” that offers no probative value regarding the accused IPC products and the alleged infringement.

Evidence in the record suggests that of the models referenced by plaintiff in its moving papers, at least five were offered for sale by IPC in 2000 and the spring of 2001, prior to Mr. Brooks having even filed for his patent in July of 2001. (*See, IPC Price Lists, Declaration of Gregory J. Coffey, Exhibit 1b.*). Accordingly, if those five products are alleged to be infringing, then convincing evidence exists to suggest that the ‘160 patent is invalid.

Moreover, some of the IPC’s pool enclosures do not include “a pair of end panels”, some do not include “horizontal rails,” and some do not include “rectangular panels,” and some do not include “horizontal frame members.” Each of these elements is required by claim 1, and the absence of any one of them in a particular pool enclosure product renders such product non-infringing. *Terlep v. The Brinkman Corp.*, 418 F.3d 1379, 1381 (Fed Cir. 2005); *Wolverine World Wide, Inc. v. Nike, Inc.*, 38 F.3d 1192, 1196 (Fed. Cir. 1994).

Based upon the foregoing reasons, IPC has at least demonstrated genuine issues of disputed material fact that would preclude a determination of partial summary judgment in favor of plaintiff at this time. Accordingly, plaintiff’s motion should be denied.

G. **The Court Should Not Consider the Photographs Purportedly Taken by Plaintiff During the Alleged Inspection of the Utah Pool Enclosure Because Such Documents Were Not Properly Produced During Discovery.**

The photographs taken during the alleged inspection of the Utah pool enclosure installation and heavily relied upon by plaintiff should not be considered on the motion for partial summary judgment because such photographs were not produced during discovery. The alleged site inspection purportedly occurred in August of 2010. Despite this occurrence, plaintiff never produced these alleged photographs during discovery. Plaintiff should therefore be precluded from introducing evidence on issues where discovery has not been produced for purposes of a partial summary judgment motion. *See, Ware v. Rodale Press, Inc.*, 322 *F.3d* 218, 221-227 (3<sup>rd</sup> Cir. 2003) (finding that failure to produce discovery on damages supported the trial court's exclusion of all evidence of damages); *Wilson v. Bradlees of New England, Inc.*, 250 *F.3d* 10, 19-21 (1<sup>st</sup> Cir. 2001) (failure to disclose videotapes precluded their use as evidence at trial); *Langley v. Union Elec. Co.*, 107 *F.3d* 510, 513-14 (7<sup>th</sup> Cir. 1997) (finding that trial court properly barred all evidence relating to furnace due to failure to produce furnace during discovery).

In this case, plaintiff never afforded the IPC Defendants with notice or an opportunity to participate in the Utah site inspection where the photographs of the allegedly infringing pool enclosure were taken. Similarly, plaintiff never provided the IPC Defendants with a detailed and itemized description of each photograph taken and now relied upon during the discovery process. Given the failure of the plaintiff to provide this relevant information, the IPC Defendants, and more importantly, the Court, cannot now ascertain on a motion for partial summary judgment, the authenticity of the photographs and the assertion that that it purports to be the complete depiction of the Utah pool enclosure installation.

In reviewing the evidence on a motion for summary judgment, the Court must consider the admissibility and potential probative value of the proffered evidence. *See, Lexington Ins. Co. v. Western Pennsylvania Hosp.*, 423 F.3d 318, 328 (3<sup>rd</sup> Cir. 2005). In this regard, the Court must consider whether the photographs relied upon by the plaintiff in its moving papers are inadmissible on authentication grounds. *See, FRE* 901(a) (requiring evidence to support that the matter is what the proponent claims). Because plaintiff failed to produce the photographs with a comprehensive description and itemization during the discovery, there is no evidence absent the assertions of Mr. Brooks in his affidavit that the photographs purports to be the complete depiction of the Utah pool enclosure installation. For these reasons, the photographs relied upon by plaintiff in its moving papers should not be considered by the Court on the pending motion for partial summary judgment. Accordingly, plaintiff's motion should be denied.

**H. The Existence of Prior Patents and IPC's Own Products Which Anticipates the Claims of the '160 Patent Raises, At the Very Least, Significant and Material Issues of Disputed Fact**

Pursuant to 35 U.S.C. §282, a patent is presumed valid. This presumption, however, like all presumptions, is a procedural device which merely places the burden on the defendant to raise substantial issues of invalidity or unenforceability. *New England Braiding Co. v. A.W. Chesterton Co.*, 970 F.2d 878, 882-83 (Fed. Cir. 1992). As set forth herein, at least five of the pool enclosures shown on IPC's website were offered for sale by IPC before Mr. Brooks even filed for his patent. Thus, any one of these IPC products could render the '160 patent invalid, particularly where plaintiff has alleged infringement by such products.



More importantly, the '160 patent, filed in 2001, is invalid over prior art, the contents of which are set forth in the attached exhibits to the accompanying Declaration of Gregory J. Coffey. Specifically, several foreign patents, dated prior to Mr. Brooks having filed his patent application, show some, if not all of the elements of the claimed invention. First, a 1986 French patent shows arc shaped telescoping roofing elements of a pool enclosure installed on removable rails. (*See, Declaration of Gregory J. Coffey, Exhibit 1d*). Second, a 1981 Australian patent shows the same arc shaped telescoping roofing elements of a pool enclosure installed on removable rails. (*See, Declaration of Gregory J. Coffey, Exhibit 1g*). This is the claimed invention. The reference to these claims therefore anticipates and renders invalid the asserted claims of '160 patent.

Finally, IPC's own engineering schematics anticipates the '160 patent claims. The "classic" test for anticipation is: "That which will infringe, if later, will anticipate, if earlier." *Chisum On Patents* §3.02[1][f]. This is the situation here. One of the elements of claim 1 of the '160 patent is "a means for a plurality of horizontal rails." IPC has used a plurality of horizontal rails for its pool enclosures since at least February 4, 2000, as depicted in the engineering schematic drawing of the rails used by IPC in connection with at least some of its pool enclosures. (*See, Declaration of Gregory J. Coffey, Exhibit 1c*). As such, evidence exists that IPC developed, offered and used the plurality of horizontal rails now accused of infringement in 2000 – before Mr. Brooks filed for the '160 patent.

For all of these reasons, the IPC Defendants have, at the very least, demonstrated genuine issues of disputed material fact that would preclude a determination of partial summary judgment in favor of plaintiff at this time. Accordingly, plaintiff's motion should be denied.

**V. CONCLUSION**

For all of the foregoing reasons, plaintiff's motion for partial summary judgment must be denied because the IPC Defendants have raised substantial questions of material fact regarding the alleged infringement of the '160 patent. In particular, IPC has demonstrated genuine disputed issues of material fact that indicate that some of the IPC's pool enclosures, including the Utah installation, do not include all of the elements and claims required under the '160 patent. Given the existence of these material disputed facts in the record, the IPC Defendants respectfully submit that plaintiff has not met its burden under Fed. R. Civ. P. 56 for partial summary judgment. Accordingly, plaintiff's motion for partial summary judgment on infringement of the '160 patent should be denied.

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IN THE UNITED STATES DISTRICT COURT  
DISTRICT OF UTAH, CENTRAL DIVISION

AQUA SHIELD, INC. a New York Corporation,  
Plaintiff,

vs.

INTER POOL COVER TEAM, ALUKOV HZ SPOL.  
S.R.O., ALUKOV, SPOL. S.R.O., POOL & SPA  
ENCLOSURES, LLC  
Defendants.

Civil Action No. 2:09-cv-00013 TS

Judge Ted Stewart

**MOTION FOR SUMMARY JUDGMENT**

The Plaintiff, Aqua Shield, Inc. (“Aqua Shield” or “Plaintiff”) hereby submits this memorandum in support of its motion for summary judgment as to Defendants’ counterclaims Count I and II.

**I. INTRODUCTION AND SUMMARY OF ARGUMENT**

Summary judgment as to Count I of Defendants’ counterclaim for noninfringement should be granted in favor of Aqua Shield. This Court has already granted Aqua Shield partial

summary judgment as to infringement of claims 1-14 and 16.<sup>1</sup> Because Aqua Shield raised the issue of infringement by its earlier motion for partial summary, because Defendants had full opportunity to address the issue of infringement and because the Court has already decided infringement by granting summary judgment in favor of Aqua Shield, this Court should also enter summary judgment in favor of Aqua Shield as to Count I of Defendants' counterclaim for noninfringement.

Summary judgment as to Count II of Defendants' counterclaims for invalidity should also be granted in favor of Aqua Shield. No prior art reference or combination of prior art references teaches or suggests each and every element of claims 1-14 and 16 of the '160 Patent. Defendants' price list and product drawings fail to teach or suggest each and every element of claim 1-14 and 16. Defendants' evidence of its own prior sales does not carry its burden of providing invalidity. Therefore, Count II of Defendants' counterclaims should be denied and summary judgment granted in favor of Aqua Shield.

## **II. UNCONTROVERTED FACTS**

1. In this action, Defendants have asserted a counterclaim of noninfringement. Answer to Complaint and Counterclaims, Docket No. 34, pages 7-8.

2. In this action, Defendants have asserted a counterclaim of invalidity under 35 U.S.C. §§ 101, 102, 103 and 112. *Id.*

3. This Court has already decided infringement in favor of Aqua Shield by granting partial summary judgment. Docket No. 87.

4. Aqua Shield sought responses to interrogatories from Defendants directed to Defendants' invalidity assertions:

Interrogatory No. 1

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<sup>1</sup> Aqua Shield has withdrawn its allegation of infringement of claim 15. Filed herewith is Aqua Shield's Notice of withdrawal of its allegation of infringement of claim 15 of United States Patent No. 6,637,160 ("160 Patent").

State the legal and factual basis for Your contention, if any, that the '160 Patent is invalid.

Interrogatory No. 2

State the legal and factual basis for Your contention, if any, that the '160 Patent is unenforceable.

Interrogatory No. 3

Identify all Documents, items and/or events that You believe are prior art with respect to the '160 Patent or otherwise Relate to Your contention, if any, that the '160 Patent is invalid or unenforceable.

Ex. A, Aqua Shield's Interrogatories to Defendants Nos. 1-3. Defendants responded January 15, 2010. *Id.*

5. Aqua Shield sought document production from Defendants directed to Defendants' invalidity assertions:

Request No. 1

Produce all Documents, Communications, and things that you contend qualify as prior art with respect to the '160 Patent or otherwise support Your contentions, if any, that the '160 Patent is invalid or unenforceable.

Request No. 5

Produce all Documents, Communications, and things Relating to Your manufacture, sales, offers to sell, importing, and distribution of telescopic enclosures in the United States.

Request No. 6

Produce all Documents, Communications, and things Relating to manufacture, sales, offers to sell, importing, and distribution of telescopic enclosures by You.

Request No. 7

Produce all Documents, Communications, and things reviewed and/or relied on by You in preparing our responses to Plaintiff's First Set of Interrogatories.

Request No. 9

Produce all Documents, Communications, and things mentioned, identified, or referenced in Your responses to Plaintiff's First Set of Interrogatories.

Ex. B, Aqua Shield's Request for Production of Documents No. 1, 5-7 and 9. Defendants responded January 15, 2010. *Id.* In response to document request nos. 1, 5-7 and 9 Defendants promised to provide all responsive documents:

Even so, IPC will make arrangements to provide Aqua Shield with copies of all other non-privileged documents responsive to the requests to the extent such documents exist and are within IPC's possession and/or control and upon entry of an appropriate Protective Order.

*Id.*

6. A Protective Order was entered in this case on February 24, 2010 Docket No. 43.
7. Discovery in this matter closed October 20, 2010. Scheduling Order Docket No. 40.
8. Final date for supplementation of disclosures under Rule 26(a)(3) and of discovery under Rule 26(e) expired November 19, 2010. *Id.*
9. To date, the only documents, things, communications, legal and factual basis of Defendants' contentions that the '160 Patent is invalid are the documents, price sheets, sales records and points presented by Defendants' in opposition to Aqua Shield's earlier motion for partial summary judgment (Docket No. 67), namely:
  - Declaration of Gregory Coffey, Docket No. 67-1, Ex. C to this memorandum.

- Coffey Declaration including the Oct. 24, 200\_ [sic] Declaration of Michael F. Sarney, Docket No. 67-1, Ex. D to this memorandum..
- 10/23/2005 print outs of [www.poolcover-ipc.com](http://www.poolcover-ipc.com), Docket No. 67-1, Ex. E to this memorandum.
- foreign language IPC price list, Docket No. 67-1, Ex. F to this memorandum.
- foreign language schematic drawings, Docket No. 67-1, Ex. G to this memorandum.
- foreign language French Patent FR2568288, Docket No. 67-1, Ex. H to this memorandum.
- Arqualand paper, Docket No. 67-1, Ex. I to this memorandum.
- 10/20/2005 print out of [www.aquashieldonline.com](http://www.aquashieldonline.com), Docket No. 67-1, Ex. J to this memorandum.
- Australian Patent Abstract and drawing, Docket No. 67-1, Ex. K to this memorandum.
- Eureka Pool Covers paper, Docket No. 67-1, Ex. L to this memorandum.
- factual and legal basis of invalidity by anticipation (35 U.S.C. § 102), Docket No. 67, pages 3, 22-23, Ex. M to this memorandum.
- Defendants' response to Interrogatory No. 1 summarizing the prior art listed above, Ex. A to this memorandum.

10. Aqua Shield attempted a number of times to schedule inspection of documents of Defendants. Each time promises of production for inspection were given to Aqua Shield only to have the dates come and go without cooperation by Defendants. Ex. N, Declaration of Igor Krol, ¶ 8.

11. To date, Defendants have produced no evidence of any factual or legal basis of invalidity contentions based upon 35 U.S.C. § 101 (utility).

12. To date, Defendants have produced no other evidence in support of their invalidity contentions based on U.S.C. § 102 (anticipation).

13. To date, Defendants have produced no evidence of any factual or legal basis of invalidity contentions based upon 35 U.S.C. § 103 (obviousness).

14. To date, Defendants have produced no evidence of any factual or legal basis of invalidity contentions based upon 35 U.S.C. § 112 (written description).

15. To date, Defendants have produced no other evidence of any factual or legal basis of unenforceability based upon 35 U.S.C. §§ 101, 102, 103 and 112.



### III. POINTS AND AUTHORITIES

Defendants' have asserted affirmative counterclaims. Count I of Defendants' counterclaim seeks a declaration of noninfringement. Docket No. 34, pages 7-8. Count II of Defendants' counterclaims seeks a declaration of invalidity and unenforceability under 35 U.S.C. §§ 101 (utility), 102 (anticipation), 103 (obviousness) and 112 (written description). *Id.*

#### A. **Summary Judgment Standard**

Under Rule 56, the moving party "bears the initial responsibility of informing the district court of the basis for its motion, and identifying those portions . . . which it believes demonstrate the absence of a genuine issue of material fact." *Celotex Corp. v. Catrett*, 477 U.S. 317, 323 (1986).<sup>2</sup>

The burden then shifts to the nonmoving party to "set forth specific facts showing that there is a genuine issue for trial." *Fed. R. Civ. P. 56(e)*; *Birdog Solutions, Inc. v. ATD-American Co.*, 2008 WL 1776520, at 2-3 (D. Neb. April 14, 2008). The non-movant, however, "must do more than merely present some evidence on an issue it asserts is disputed. Sufficient evidence for a jury to return a verdict in favor of the nonmovant must be forthcoming." *A.B. Chance Co. v. RTE Corp.*, 854 F.2d 1307, 1311 (Fed. Cir. 1988); *Palesch v. Missouri Commission on Human Rights*, 233 F.3d 560, 565 (8th Cir. 2000) (stating that the "nonmoving party may not merely rest upon allegations or denials in its pleadings . . .").

"Where a defendant attempts to avoid summary judgment by relying on an issue on which it would have the burden of proof at trial, however, it must establish that it can meet its

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<sup>2</sup> In determining whether there is a genuine issue of material fact, the evidence must be viewed in the light most favorable to the party opposing the motion, with doubts resolved in favor of the nonmovant. *Elnashar v. Speedway SuperAmerica, LLC*, 484 F.3d 1046, 1055 (8th Cir. 2007); *Transmatic, Inc. v. Gulton Indus., Inc.*, 53 F.3d 1270, 1274 (Fed. Cir. 1995). Summary judgment is properly regarded not as a disfavored procedural shortcut, but rather as an integral part of the Federal Rules as a whole, which are designed to secure the just, speedy and inexpensive determination of every action. *E.g., City of Omaha v. Figg Bridge Engineers, Inc.*, 2008 WL 2165186, at \*2 (D. Neb. May 20, 2008) (quoting *Celotex Corp.*, 477 U.S. at 327).

burden." *Terra Ind., Inc. v. National Union Fire Insurance Co.*, 383 F.3d 754, 760 (8th Cir. 2004).

In patent cases, the determination of patent invalidity is a two-step process, wherein the court construes the claims and then a comparison is made of the properly construed claim(s) and the asserted prior art. *Medichem, S.A. v. Folabo, S.L.*, 353 F.3d 928, 933 (Fed. Cir. 2003).

#### **B. Claim Construction**

This Court has already given the asserted claims 1-14 and 16 their legal meaning. Docket No. 86. Therefore, claim construction is already done. There does not appear to be any need from the record to alter or supplement the claim construction of Docket No. 86.

#### **C. Invalidity Analysis**

##### **1. Burden of Proof of Invalidity**

An issued patent is presumed valid. 35 U.S.C. § 282 (2000). The burden of overcoming the presumption of validity is on the party challenging the validity and requires a showing by clear and convincing evidence. *Fresenius USA, Inc. v. Baxter Int'l, Inc.*, 582 F.3d 1288, 1294-95 (Fed. Cir. 2009) *cert. denied*, 130 S. Ct. 2120, 176 L. Ed. 2d 726 (U.S. 2010); *Lisle Corp. v. A.J. Mfg. Co.*, 398 F.3d 1306, 1316 (Fed.Cir.2005); *Helifix Ltd. v. Blok-Lok Ltd.*, 208 F.3d 1339, 1346 (Fed. Cir. 2000); *Connell v. Sears Roebuck & Co.*, 722 F.2d 1542, 1549 (Fed. Cir. 1983). This standard of proof also applies in the summary judgment context. *Nat'l Presto Indus., Inc. v. W. Bend Co.*, 76 F.3d 1185, 1189 (Fed. Cir. 1996).

Defendants' assert invalidity for lack of utility under 35 U.S.C. § 101. To prove invalidity under section 101 Defendants must prove by clear and convincing evidence that every embodiment of one or more claim elements of each asserted claim is inoperable such that the utility of the claimed invention does not and cannot exist. *E.g., Raytheon Co. v. Roper Corp.*, 724 F.2d 951, 956-959 (Fed. Cir. 1983), *cert. denied*, 469 U.S. 835 (1984). That is, Defendants "must show that all disclosed alternatives are inoperative ...." *CFMT, Inc. v. Yieldup Int'l Corp.*,

349 F.3d 1333, 1339 (Fed. Cir. 2003); *EMI Group v. Cypress Semiconductor Corp.*, 268 F.3d 1342, 1349 (Fed. Cir. 2001). However, a finding of infringement of an otherwise valid claim mandates a finding of utility under section 101. *E.g., United States Steel Corp. v. Phillips Petroleum Co.*, 865 F.2d 1247, 1252 (Fed. Cir. 1989).

Defendants' assert invalidity by anticipation under 35 U.S.C. § 102. To prove invalidity under section 102 Defendants must prove by clear and convincing evidence that a single prior art reference discloses every limitation of the claimed invention, either explicitly or inherently. *E.g., In re Schreiber*, 128 F.3d 1473, 1477-1478 (Fed. Cir. 1997); *Kalman v. Kimberly-Clark Corp.*, 713 F.2d 760, 771 (Fed Cir. 1983). This means that in order to present a *prima facie* case of invalidity of each claim Defendants must present clear and convincing evidence that each and every element of a given claim is disclosed in a single prior art reference.

Defendants' assert invalidity by obviousness under 35 U.S.C. § 103. To prove invalidity under section 103 Defendants must prove by clear and convincing evidence that the prior art discloses, teaches or suggests that the claimed inventions as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art. *E.g., KSR Int'l Co. v. Teleflex, Inc.*, 550 U.S. 398 (2007); *Graham et al. v. John Deere Company of Kansas City et al.*, 383 U.S. 1, 17-18, 148 USPQ 459, 465 (1966).

Defendants assert invalidity under 35 U.S.C. § 112. To prove invalidity under section 112 Defendants must prove by clear and convincing evidence that the written language of the claimed inventions fails to clearly point out and distinctly claim the invention. 35 U.S.C. § 112.

As established below, Defendants are unable to present sufficient, admissible evidence to present a *prima facie* case of invalidity under 35 U.S.C. §§ 101, 102, 103 or 112.

**D. Defendants Should be Precluded from introducing or Relying Upon any Evidence Which Defendants have Failed to Previously Produce**

Under F.R.Civ.P. 37 (c) when a party "fails to provide information or identify witnesses as required by Rule 26(a) or (e), the party is not allowed to use that information or witness to supply evidence on a motion, at a hearing, or at a trial, unless the failure was substantially

justified or is harmless.” In this case, Plaintiff sought to discover the factual and legal bases of Defendants’ invalidity contentions. See section II, paras. 4-7 above. Defendants had until November 19, 2010 to supplement their invalidity contentions. The entirety of Defendants’ invalidity contentions including Rule 26(e) supplementations to date is set forth in section II paragraph 9 above. Defendants have identified no person of skill in the art who would offer any evidence as to validity issues.

Defendants have provided no other evidence in support of their invalidity contentions showing an element-by-element analysis of each asserted claim showing that the asserted prior art anticipates or renders each asserted claim invalidity. Failing to make such a showing in its disclosures and productions reveals Defendants’ inability to do so.

Based upon Defendants’ representations in their responses to interrogatories and to document requests, and pursuant to Rule 37(c)(1)(C) and 37(b)(2)(A)(i-ii), this Court should deem that all evidence of or from documents, things, witnesses and/or events supporting Defendants’ invalidity contentions have been disclosed or produced and that there is no more such evidence. Therefore, pursuant to Rule 37(c) Defendants should be precluded from identifying, producing or using any other information or evidence in support of their invalidity contentions.

**E. Defendants’ Invalidity Counterclaim Fails as a Matter of Law Because Defendants are Unable to Present Sufficient Evidence of Invalidating Prior Art**

**1. Untranslated Foreign Language References Provide the Court No Probative Evidence**

When foreign language evidence is presented to the Court, it must be accompanied by (1) a translation, (2) appropriate evidence regarding the accuracy of the translation and (3) the qualifications of the translator. *E.g., Jack v. Trans World Airlines, Inc.*, 854 F. Supp. 654, 659 (N.D. Cal. 1994). The statement of the translator must be a sworn statement that the translation is true and correct and must describe the translator's qualification or expertise regarding language translation. *Id.* All of the foreign language documents and translation proffered by Defendants

lack one or more of these indicia of accuracy and therefore to fail to carry Defendants' heavy burden of production and persuasion.

Defendants have presented foreign language IPC price sheets (Ex. F) in support of their assertion of invalidating by prior sales. However, the IPC price sheet evidence fails for a number of reasons. First, Defendants have provided no qualified translator, no translation and no certification of the accuracy of any translation. Therefore, there is no probative evidence before the Court as to any alleged, anticipatory offer of sales.

Second, the IPC price sheets do not and cannot establish that any prior art devices were offered for sale in this country or when. Invalidating prior art under 35 U.S.C. § 102 (b) must be "on sale in this country." The entirety of Defendants' evidence of invalidity lacks any evidence of invalidating sales in this country.

Therefore, as a matter of law Defendants are unable to establish anticipation based upon the foreign language IPC price sheet of Ex. F.

Similarly, Defendants have presented foreign language schematic drawings Ex. G. Defendants have provided no translation. Defendants have provided no admissible evidence other than attorney argument as to what the schematic drawings represent vis-à-vis the claimed inventions. Defendants neither disclosed nor produced an evidentiary showing that Ex. G anticipates or renders any asserted claim obvious by teaching each and every element of any asserted claim. Therefore, as a matter of law, Ex. G is incapable of establishing invalidity under 35 U.S.C. § 101, 102, 103 or 112.

**2. Defendant Present No Evidence Related to How One of Skill in the Art Would Understand the Teaching of the Prior Art References**

Defendants utterly fail to present probative evidence of invalidity including how the a person of ordinary skill in the art would understand the prior art references relied upon by Defendants. As a result, neither a jury nor the Court is presented with sufficient evidence of invalidity to carry the heavy burden of proving invalidity by clear and convincing evidence.

**3. The French Reference Fails To Disclose Each And Every Element Of Claims 1-14 and 16**

The Defendants' reliance upon the French patent reference no. FR2568288 to prove invalidity is similarly flawed. Defendants provide no certified translation. Defendants do not show that the French patent reference teaches each and every element of claim 1-14 and/or 16. Merely showing one or some claim elements does not anticipate or render the claimed invention obvious. As a result, Defendants' invalidity argument as to the French patent reference fails.

**4. The Australian Reference Fails To Disclose Each And Every Element Of Claims 1-14 and/or 16.**

Defendants do not show that the Australian patent abstract No. AU-A1-69 699/81 teaches each and every element of claims 1-14 and 16. Merely showing one or some claims elements does not anticipate or render the claimed invention obvious. As a result, Defendants' invalidity argument as to the Australian patent abstract fails.

**5. The Internet Printouts, Eureka Reference and Arqualand Documents Fails To Disclose Each And Every Element Of Claims 1-14 and/or 16**

Defendants do not show that the Internet printouts, the Eureka reference or the Arqualand documents teaches each and every element of claims 1-14 and 16. Merely showing one or some claims elements does not anticipate or render the claimed invention obvious. As a result, Defendants' invalidity argument as to the Australian patent abstract fails.

**6. Defendant Present No Evidence Related to Any Failure of Claims 1-14 and 16 to Meet the Written Description Requirements of 35 U.S.C. § 112**

Defendants assert invalidity under 35 U.S.C. § 112. To prove invalidity under section 112 Defendants must prove by clear and convincing evidence that the written language of the claimed inventions fails to clearly point out and distinctly claim the invention. 35 U.S.C. § 112. Defendants have proffered no evidence to establish such invalidity. Lacking evidence of invalidity under section 112, Defendants' counterclaim must fail as a matter of law.

**IV. CONCLUSION**

Summary judgment as to Count I of Defendants' counterclaim for noninfringement should be granted in favor of Aqua Shield. This Court has already granted Aqua Shield partial summary judgment as to infringement of claims 1-14 and 16. Because Aqua Shield raised the issue of infringement by its earlier motion for partial summary, because Defendants had full opportunity to address the issue of infringement and because the Court has already decided infringement by granting summary judgment in favor of Aqua Shield, this Court should also enter summary judgment in favor of Aqua Shield as to Count I of Defendants' counterclaim for noninfringement.

Summary judgment as to Count II of Defendants' counterclaims for invalidity should also be granted in favor of Aqua Shield. No proper evidence of or prior art reference or combinations of prior art references teach or suggest each and every element of claims 1-14 and 16 of the '160 Patent. Defendants' price list, product drawings, sales records and asserted prior art patents all fail to teach or suggest each and every element of claim 1-14 and 16. Defendants have failed to produce or present, and are, therefore, unable to present sufficient, probative evidence to prove invalidity by clear and convincing evidence. Therefore, Count II of Defendants' counterclaims should be denied and summary judgment granted in favor of Aqua Shield.

DATED this 21<sup>st</sup> day of November, 2012.

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**IN THE UNITED STATES DISTRICT COURT  
DISTRICT OF UTAH, CENTAL DIVISION**

<p>AQUA SHIELD, INC.</p> <p>Plaintiff,</p> <p>vs.</p> <p>INTERPOOL COVER TEAM, ALUKOV HZ SPOL. S.R.O., ALUKOV, SPOL. S R.O., POOL &amp; SPA ENCLOSURES, LLC</p> <p>Defendants.</p>	<p><b>IPC DEFENDANTS' MEMORANDUM OF POINTS AND AUTHORITIES IN OPPOSITION TO MOTION FOR SUMMARY JUDGMENT</b></p> <p><b>2:09cv00013-TS</b></p> <p><b>Judge: Ted Stewart</b></p>
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Defendants Inter Pool Cover Team ("IPC"), Alukov HZ spol. S.r.o., Alukov, spol. S.r.o. ("Alukov"), and Pool & Spa Enclosures, LLC ("Pool & Spa") (collectively referred to herein as "the IPC Defendants") hereby oppose plaintiff, Aqua Shield's Inc.'s motion for summary judgment on the IPC Defendants' counterclaims seeking a determination of invalidity of U.S. Patent No. 6,637,160. Accompanying this opposition are Objections to Plaintiff's "Statement of Undisputed Material Facts".



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**I. INTRODUCTION AND SUMMARY OF ARGUMENT**

Pursuant to this Court's Order entered October 18, 2012, the parties were permitted to file supplemental motions for summary judgment regarding the IPC Defendants' counterclaim that the '160 patent is invalid over prior art. Within this current submission, the IPC Defendants oppose Aqua Shield's motion for summary judgment and set forth further support for their application for summary judgment against Aqua Shield on the basis the asserted claims of the '160 patent are invalid and therefore unenforceable. Simply stated, the '160 patent claims a known and obvious method of constructing a protective swimming pool enclosure apparatus. Over twenty-five (25) years prior to the filing of the '160 patent, the asserted invention was described as a protective swimming pool apparatus particularly directed to a channeled slideway means mounted to the longitudinal side sections of a swimming pool for releasably holding therein a beaded edge of a swimming pool cover and a means for guiding the introduction and discharge of said beaded edge into and out of the channeled slideway means.

As set forth in their initial memorandum of points and authorities, prior art scientific publications, foreign patents, and U.S. patents, such as the Lamb Patent, the Kumode Patent, the Ozdemir Patent, and the Last Patent taught that a slidable swimming pool enclosure was useful in conjunction with the construction and use of small private or residential type swimming pools. Furthermore, pool enclosures were known to be effective in effectively and economically minimizing the hazards and maintenance issues associated with private, unattended pools.

The IPC Defendants assert that the undisputed and uncontroverted material facts in the record demonstrate that the '160 patent is invalid as obvious and/or anticipated in

light of the prior art. In support of these assertions, the IPC Defendants rely upon the arguments and analysis set forth in their initial memorandum of points and authorities previously filed in support of their motion for summary judgment on patent invalidity. Even so, in the alternative event that the Court were to determine otherwise, the IPC Defendants respectfully submit that at the very least, the existence and teachings of the Lamb Patent, the Kumode Patent, the Ozdemir Patent, and the Last Patent raise genuine issues of disputed material facts regarding prior art and the novelty and validity of the '160 patent.

Given the existence of these prior patents, a reasonable fact-finder could, upon the testimony of a person of ordinary skill in the art, conclude at trial that these prior patents constituted prior art by which the '160 Patent is invalid due to obviousness and/or anticipation. In this case, the person of ordinary skill in the art was engaged in developing a removable enclosure cover for a swimming pool or other area as of July 10, 2001 – the filing date of the '160 patent. This person would have had experience in slidable swimming pool covers. The person of ordinary skill in the art would know that the pool enclosure cover would include a plurality of frame members with a flexible material extending between the frame members. This person would also know that the frame members would be guided along the track members toward and away from one another to selectively cover and uncover the area between the track members and that the frame members would comprise a plurality of rectangular sections carrying transparent or translucent panels connected in an end to end relationship. Finally the person of ordinary skill in the art would know that the connections would be bolted or be in the form of hinged connections so that the structure may be folded.

As set forth in their Initial Rule 26 Disclosures, the IPC Defendants identified Bob Brooks, the inventor of the '160 Patent, and Jan Zitko the Chief Executive Officer of Alukov and an experienced person in the design and construction of pool enclosures, as witnesses representing persons of ordinary skill in the art. (*See, IPC Defendants' Responses to Initial Set of Interrogatories, Exhibit A to Zenger Declaration filed November 21, 2012*). As such, at the very least, the existence and teachings of the Lamb Patent, the Kumode Patent, the Ozdemir Patent, and the Last Patent raise genuine and material issues of disputed facts, and the IPC Defendants are entitled to introduce evidence and elicit testimony from both the inventor of the '160 Patent and other third party witnesses at trial that will demonstrate that the '160 Patent, filed in 2001, is invalid over prior art.

For these reasons and the reasons that follow, Plaintiff fails to satisfy its burden under Rule 56 of the Federal Rules of Civil Procedure, and its motion for summary judgment on the IPC counterclaims should be denied.

Furthermore, Aqua Shield would concede that the Lamb Patent, the Kumode Patent, the Last Patent, and the Ozdemir Patent were all included in the prosecution history of the '160 patent, rendering those patents as highly instructive and competent evidence that the IPC Defendants appropriately relied upon in asserting that the '160 patent is invalid in light of prior art. As such, any attempt by Aqua Shield to use Rule 37 of the Federal Rules of Civil Procedure as a mechanism to preclude the analysis of this evidence is specious at best and should be denied.

Finally, based upon the disclosures of these and other prior art references, alone or in combination, the researcher of ordinary skill in the art in 1985 would have known

that a means for a plurality of horizontal rails would be useful in constructing a slidable pool enclosure. This is the claimed invention. Accordingly, the unequivocal facts and the uncontroverted evidence demonstrate that the '160 patent is invalid as obvious and/or anticipated in light of the prior art. For these reasons and the reasons that follow, the IPC Defendants continue to submit that their motion for summary judgment on their counterclaim that the '160 patent is invalid in light of prior art should be granted.

## **II. RESPONSE TO STATEMENT OF MATERIAL FACTS**

Defendants, Inter Pool Cover Team ("IPC"), Alukov HZ spol. S.r.o., Alukov, spol. S.r.o. ("Alukov"), and Pool & Spa Enclosures, LLC ("Pool & Spa") (collectively referred to herein as "the IPC Defendants") have examined plaintiff's Statement of Undisputed Material Facts and provides the following response hereto:

1. Admitted for purposes of the pending motion.
2. Admitted for purposes of the pending motion.
3. Disputed in part inasmuch as it misstates facts in the record. (*See, Opinion and Order entered on or around November 27, 2012, Docket No. 87*).
4. Disputed in part inasmuch as it misstates facts in the record. (*See, Exhibit A to Zenger Declaration, filed November 21, 2012*).
5. Disputed in part inasmuch as it misstates facts in the record. (*See, Exhibit B to Zenger Declaration, filed November 21, 2012*).
6. Admitted for purposes of the pending motion.
7. Admitted for purposes of the pending motion.
8. Admitted for purposes of the pending motion.

9. Disputed inasmuch as it misstates facts in the record. (*See, Exhibits A-F to Coffey Declaration, filed November 21, 2012*).
10. Disputed inasmuch as it misstates facts in the record. (*See, Exhibits A-F to Coffey Declaration, filed November 21, 2012*).
11. Disputed inasmuch as it misstates facts in the record. (*See, Exhibits A-F to Coffey Declaration, filed November 21, 2012*).
12. Disputed inasmuch as it misstates facts in the record. (*See, Exhibits A-F to Coffey Declaration, filed November 21, 2012*).
13. Disputed inasmuch as it misstates facts in the record. (*See, Exhibits A-F to Coffey Declaration, filed November 21, 2012*).
14. Disputed inasmuch as it misstates facts in the record. (*See, Exhibits A-F to Coffey Declaration, filed November 21, 2012*).
15. Disputed inasmuch as it misstates facts in the record. (*See, Exhibits A-F to Coffey Declaration, filed November 21, 2012*).

### **III. COUNTER-STATEMENT OF UNDISPUTED MATERIAL FACTS**

In the interest of brevity, and without reiterating the same, the IPC Defendants respectfully rely upon and incorporate herein their Statement of Undisputed Material Facts set forth in their initial memorandum of points and authorities previously filed in support of their motion for summary judgment on patent invalidity.

#### IV. POINTS AND AUTHORITIES

The IPC Defendants assert that the undisputed and uncontroverted material facts in the record demonstrate that the '160 patent is invalid as obvious and/or anticipated in light of the prior art. In support of these assertions, the IPC Defendants rely upon the arguments and analysis set forth in their initial memorandum of points and authorities previously filed in support of their motion for summary judgment on patent invalidity. Even so, in the alternative event that the Court were to determine otherwise, the IPC Defendants respectfully submit that at the very least, the existence and teachings of the Lamb Patent, the Kumode Patent and the Ozdemir Patent raise genuine issues of disputed material facts regarding prior art and the novelty and validity of the '160 patent. For these reasons and the reasons that follow, Plaintiff fails to satisfy its burden under Rule 56 of the Federal Rules of Civil Procedure, and its motion for summary judgment on the IPC counterclaims should be denied.

##### A. Legal Standard for Summary Judgment

Summary judgment "should be rendered only if the pleadings, the discovery and disclosure materials on file, and any affidavits show that there is no genuine issue as to any material fact and that the movant is entitled to judgment as a matter of law." *Fed.R.Civ. P.* 56(c); *Celotex Corp. v. Catrett*, 477 *U.S.* 317, 330 (1986). A genuine issue of material fact exists only if "the evidence is such that a reasonable jury could find for the non-moving party." *Anderson v. Liberty Lobby, Inc.*, 477 *U.S.* 242, 248 (1986). Put differently, summary judgment may be granted only if the pleadings, supporting papers, affidavits, and admissions on file, when viewed with all inferences in favor of the non-moving party demonstrate that there is no genuine issue of material fact. *Todaro v.*



Bowman, 872 F.2d 43, 46 (3<sup>rd</sup> Cir. 1989). At the summary judgment stage, “the evidence of the nonmovant is to be believed, and all justifiable inferences are to be drawn in her favor. Anderson, supra, 477 U.S. at 255.

The burden of establishing the nonexistence of a “genuine issue” is on the party moving for summary judgment. Celotex, supra, 477 U.S. at 330. As the non-moving party, the IPC Defendants bear a light burden. To withstand the plaintiff’s motion, the IPC Defendants need only come forward with evidence that creates a genuine issue as to any material fact challenged, and will prevail even if the record reveals the existence of just one genuine issue of material fact. Anderson, supra, 477 U.S. at 248. A fact is material, and thus preclusive of summary judgment, if it influences the outcome under governing law. Id.

Furthermore, at the summary judgment stage, a court may not weigh the evidence or make credibility findings – these tasks are left to the fact finder at trial. Petruzzi’s IGA v. Darling-Delaware, 998 F.2d 1224, 1230 (3<sup>rd</sup> Cir. 1993). Therefore, to raise a genuine issue of material fact, “the opponent to a summary judgment motion need not match, item for item, each piece of evidence proffered by the movant, but simply must exceed the ‘mere scintilla’ standard. Id. (quoting Anderson, 477 U.S. at 252).

The IPC Defendants continue to assert that the undisputed and uncontroverted material facts in the record demonstrate that the ‘160 patent is invalid as obvious and/or anticipated in light of the prior art. In support of these assertions, the IPC Defendants rely upon the arguments and analysis set forth in their initial memorandum of points and authorities previously filed in support of their motion for summary judgment on patent invalidity. Even so, in the alternative event that the Court were to determine otherwise,

the IPC Defendants respectfully submit that at the very least, the existence and teachings of the Lamb Patent, the Last Patent, the Kumode Patent and the Ozdemir Patent raise genuine issues of disputed material facts regarding prior art and the novelty and validity of the '160 patent.

The structure embodied by the '160 patent had been reported in several scientific publications and U.S. patents well before the '160 patent application was filed in 2001. In 1975, the Lamb Patent taught that a protective swimming pool covering apparatus is disclosed wherein the apparatus includes flexible impervious cover capable of being extended and retracted over a swimming pool. (*See, Declaration of Gregory J. Coffey, filed November 21, 2012, Exhibit B*).

As such, a person of ordinary skill in the art in as early as 1975, and certainly by 1985, would have had the knowledge and motivation to develop and use a plurality of rigid frame members of rectangular panel sections in a pool enclosure. In addition to his or her general knowledge, a person of ordinary skill in the art would also have expected that one roller in the device rolls along the bottom of the track members and is mounted on a vertically movable carriage permitting the frame members to be moved together to one end of the pool deck and collapsing the flexible material to uncover the pool.

By way of further example, and as asserted by the IPC Defendants in their initial memorandum of points and authorities, the Ozdemir Patent discloses each and every limitation of the '160 patent claims. The Ozdemir patent claims and discloses a removable pool enclosure cover for a swimming pool including a plurality of rigid frame members of rectangular panel sections. (*See, Declaration of Gregory J. Coffey filed November 21, 2012, Exhibit D*). The utility of making a slidable swimming pool

enclosure which eliminated the longitudinal struts which had to be locked open in order to cover the pool or folded in order to uncover it was further taught in the prior art by United States Patent No. 4,683,686 filed March 11, 1985 (hereinafter the "Ozdemir Patent"). The Ozdemir Patent taught that the pool enclosure cover includes a plurality of rigid frame members of rectangular panel sections. (*See, Declaration of Gregory J. Coffey filed November 21, 2012, Exhibit D*). Pursuant to the Ozdemir Patent, the frame members are spaced apart and extend parallel to one another transversely across the pool area. The Ozdemir Patent also disclosed a pair of spaced parallel channel-shaped track members extending along the sides of the pool and guide means attached to the lower ends of each of the frame members. (*See, Declaration of Gregory J. Coffey filed November 21, 2012, Exhibit D*).

Finally, the Ozdemir Patent taught that the guide means has rollers which extend into the interior of the track members and that one roller rolls along the bottom of the track members and is mounted on a vertically movable carriage, permitting the frame members to be moved together to one end of the pool deck and collapsing the flexible material to uncover the pool. (*See, Declaration of Gregory J. Coffey filed November 21, 2012, Exhibit D*). The Ozdemir Patent even explained how a threaded adjustment would raise and lower the carriage with the roller thereon so that the top portion of the track may be clamped between the roller carriage and the bottom of the frame member.

Given the existence of these prior patents, a reasonable fact-finder could, upon the testimony of a person of ordinary skill in the art, conclude at trial that these prior patents constituted prior art by which the '160 Patent is invalid due to obviousness and/or anticipation. In this case, the person of ordinary skill in the art was engaged in

developing a removable enclosure cover for a swimming pool or other area as of July 10, 2001 – the filing date of the ‘160 patent. This person would have had experience in slidable swimming pool covers. The person of ordinary skill in the art would know that the pool enclosure cover would include a plurality of frame members with a flexible material extending between the frame members. This person would also know that the frame members would be guided along the track members toward and away from one another to selectively cover and uncover the area between the track members and that the frame members would comprise a plurality of rectangular sections carrying transparent or translucent panels connected in an end to end relationship. Finally the person of ordinary skill in the art would know that the connections would be bolted or be in the form of hinged connections so that the structure may be folded.

As set forth in their Initial Rule 26 Disclosures, the IPC Defendants identified Bob Brooks, the inventor of the ‘160 Patent, and Jan Zitko the Chief Executive Officer of Alukov and an experienced person in the design and construction of pool enclosures, as witnesses representing persons of ordinary skill in the art. As such, at the very least, the existence and teachings of the Lamb Patent, the Kumode Patent, the Ozdemir Patent, and the Last Patent raise genuine and material issues of disputed facts, and the IPC Defendants are entitled to introduce evidence and elicit testimony from both the inventor of the ‘160 Patent and other third party witnesses at trial that will demonstrate that the ‘160 Patent, filed in 2001, is invalid over prior art. For these reasons, and the reasons set forth in detail in their initial memorandum of points and authorities, the IPC Defendants respectfully submit that Aqua Shield’s motion for summary judgment be denied and their motion for summary judgment be granted.

**B. The Lamb Patent, the Kumode Patent, the Last Patent, and the Ozdemir Patent were Included in the Prosecution History of the '160 Patent and Represent Competent Evidence of Prior Art that May be Relied Upon by the IPC Defendants in Support of Their Patent Invalidity Counterclaims**

In their moving papers, Aqua Shield erroneously and inappropriately seeks to utilize Rule 37 of the Federal Rules of Civil Procedure to have this Court limit the prior art relevant to its invalidity and obviousness analysis. However, as set forth in the IPC Defendants initial memorandum of points and authorities, obviousness is determined by considering all prior art that is reasonably relevant to the particular problem the inventors were attempting to solve in making the invention covered by the patent claims. *See, Stratoflex, Inc. v. Aeroquip Corp.*, 713 *F.2d* 1530, 1535 (Fed. Cir. 1983).

Relevant prior art includes what was known in the field of the invention, in addition to what was known in other fields that a person of ordinary skill would look to when attempting to solve the problem. *See, KSR Int'l Co. v. Teleflex, Inc.*, 550 *U.S.* 398, 417 ("when a work is available in one field of endeavor, design incentives and other market forces can prompt variations of it, either in the same field or a different one. If a person of ordinary skill can implement a predictable variation, §103 likely bars its patentability."); *In re Dillon*, 919 *F.2d* 688, 694 (Fed. Cir. 1990) (en banc) ("we agree with the PTO that the field of relevant prior art need not be drawn so narrowly.").

Moreover, Aqua Shield would concede that the Lamb Patent, the Kumode Patent, the Last Patent, and the Ozdemir Patent were all included in the prosecution history of the '160 patent, rendering those patents as highly instructive and competent evidence that the IPC Defendants appropriately relied upon in asserting that the '160 patent is invalid in light of prior art. The prosecution history constitutes the complete record of the

proceedings before the Patent Office that resulted in the issuance of the patent-in-suit. *Phillips v. AWH Corp.*, 415 *F.3d* 1303, 1317 (Fed. Cir. 2005).

For all of these reasons, Aqua Shield's misguided effort to limit the prior art to be considered by this Court in rendering its invalidity analysis should be denied. The IPC Defendants continue to assert that the undisputed and uncontroverted material facts in the record demonstrate that the '160 patent is invalid as obvious and/or anticipated in light of the prior art. Even so, in the alternative event that the Court were to determine otherwise, the IPC Defendants respectfully submit that at the very least, the existence and teachings of the Lamb Patent, the Last Patent, the Kumode Patent and the Ozdemir Patent raise genuine issues of disputed material facts regarding prior art and the novelty and validity of the '160 patent. Accordingly, the IPC Defendants respectfully submit that Aqua Shield's motion for summary judgment be denied and their motion for summary judgment be granted.

**C. The Kumode and Ozdemir Patent Demonstrate that the Inventor of the '160 Patent Achieved Nothing New or Inventive in Constructing a Pool Enclosure Using a Known Plurality of Frame Members with a Flexible Material Extending Between the Frame Members.**

As stated in the IPC Defendants initial memorandum of points and authorities, the "invention" claimed in the '160 patent is simply the known and obvious idea of constructing a removable enclosure for a swimming pool or other area by incorporating transverse frame members of rigid rectangular panels preventing skewing of the frame members and giving greater rigidity and stability to the structure.

Plaintiff did not transform a pre-fabricated in-ground pool enclosure into a flexible, slidable pool cover, nor did they invent a novel way of creating a removable

enclosure that includes a plurality of frame members with a flexible material extending between the frame members. Moreover, the prior art explicitly taught that the frame members in the pool enclosure may be guided along the track members toward and away from one another to selectively cover and uncover the area between the track members. The prior art further taught that the locking means be provided for locking the guide means in the desired position of adjustment relative to the track members.

The prior art also taught that the guide means preferably includes one roller mounted on a carriage and rotatable about a substantially horizontal axis for rolling along the substantially horizontal surface within the interior of the track members. Also, the prior art taught that the locking means of the pool enclosure preferably includes means for retracting the roller carriage so that portions of the track may be clamped between the carriage and the bottom portion of the frame members. Plaintiffs' confirmation of these previously established means is not an invention and cannot impart patentability to the claims of the '160 patent.

Moreover, even if the activity of permitting the frame members to be moved together to one end of the pool deck and collapsing the flexible material to uncover the pool was not expressly taught in the Kumode and Ozdemir Patents (which it is), this process is inherently disclosed because any guide means that is mounted on a vertically movable carriage naturally results in the concerted movement to one end of the pool deck to uncover the pool as disclosed in the Ozdemir Patent. Even in that case, such method claims are not patentable because they are inherent in the prior art process. *See, Bristol-Meyers Squibb Co. v. Ben Venue Labs, Inc.*, 246 F.3d 1368, 1376 (Fed. Cir. 2001) (court determined that newly discovery results of known processes directed to the same purpose

are not patentable because such results are inherent). As such, every limitation of claim 1, the only independent claim of the '160 patent was disclosed either explicitly and/or inherently by the Kumode and Ozdemir Patents, which renders the '160 patent anticipated and invalid.

At the very least, the teachings and explanations of these prior patents raise genuine and material disputed facts regarding the validity of the "invention" claimed by the '160 Patent. For these reasons, and the reasons set forth in detail in their initial memorandum of points and authorities, the IPC Defendants respectfully submit that Aqua Shield's motion for summary judgment be denied and their motion for summary judgment be granted.

**V. CONCLUSION**

For all of the foregoing reasons, and the reasons set forth in detail in their initial memorandum of points and authorities, the IPC Defendants respectfully submit that Aqua Shield's motion for summary judgment be denied and their motion for summary judgment on their counterclaim that the '160 patent is invalid in light of prior art be granted.

**COFFEY & ASSOCIATES**  
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310 South Street  
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Team, Alukov HZ spol. S.r.o., Alukov, spol.  
S.r.o., and Pool & Spa Enclosures, LLC

By:   
Gregory J. Coffey, Esq., *pro hac vice*



**COFFEY & ASSOCIATES**

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Attorneys for Defendants, Inter Pool Cover  
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By: 

Richard J. Dewland, Esq., *pro hac vice*

Dated: December 7, 2012

Alukov HZ spol. s r.o.

INVOICE - TAX DOCUMENT No. 28VF01781

Supplier: <b>Alukov HZ spol. s r.o.</b> <b>Orel 18</b> <b>638 21 Slatiňany</b> <b>Česko</b>  Identif. number: 64257746 Tax identity: CZ64257746 Telephone: 469 681 321 Mobile phone: 602 141 969 Fax: 469 681 488 E-mail: alukov@alukov.cz www.alukov.cz		Variable symbol: 2801781 Constant Code: 0308 Order No.: date	
Issuing Bank: Komerční banka SWIFT: KOMBCZPPXXX IBAN: CZ350100000789108660277 Account No.: 78-8108660277 Bank code: 0100		Customer: Identif. number:  <b>Pool &amp; Spa Enclosures, LLC</b> <b>237 Prospect Plains Rd.</b> <b>Monroe Township, NJ 08831</b>  <b>United States</b>	
Payment: payment order Invoice date: 14.10.2008 Due date: 24.10.2008 Date of a taxable supply: 14.10.2008		Receiver:	

Description	Q'ty	Unit price	Discount	Price	%VAT	VAT	Total
Fakturuje Vám dodávku střešní hliníkové konstrukce - Universe							
We invoice you							
Aluminium roofing construction, type Universe 4,45x8,4 "fit up": polycarbonate clear, 10 mm with UV protection, white profiles RAL 9010	1 ks	4,970.00		4,970.00	0%	0.00	4,970.00
transport	1	3,105.00		3,105.00	0%	0.00	3,105.00
Total amount				8,075.00		0.00	8,075.00
TOTAL DUE				Currency EUR			8,075.00

Total : 1 goods are dismantled in parts  
 Container: HJCU 807759-4  
 Brutto: 630 kg Netto: 500 kg  
 INCOTERMS : DDU Cullmann  
 Country of origin: Czech Republic  
 TARIC CODE: 76109090

Plnění je osvobozeno od DPH podle §66 zákona o dani z přidané hodnoty s nárokem na odpočet daně.

Issuer: Jitka Staninová  
 j.staninova@alukov.cz

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Recapitulation in CZK:		Tax base in CZK	% VAT	VAT in CZK	Total in CZK
Foreigner exchange rate used:	24.665 CZK	199,169.88	0%		
Quantity:	1 EUR	0.00	9%	0.00	0.00
		0.00	19%	0.00	0.00

Recipient: Official stamp:

Economic system POHODA © STORMWARE s.r.o.



**Alukov HZ spol. s r.o.**

Supplier:  
Alukov HZ spol. s r.o.  
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Issuing Bank: Komerční banka  
SWIFT: KOMB CZPP XXX  
IBAN: CZ350100000788108660277  
Account No.: 78-8108660277 Bank code: 0100

Payment: payment order  
Invoice date: 18.02.2009  
Due date: 04.03.2009  
Date of a taxable supply: 18.02.2009

**INVOICE - TAX DOCUMENT No. 29VF00100**

Variable symbol: 2900100  
Constant Code: 0308  
Order No.: date

Customer: Identif. number:

Pool & Spa Enclosures, LLC  
237 Prospect Plains Rd.  
Monroe Township, NJ 08831

United States

Receiver:

Description	Q'ty	Unit price	Discount	Price	%VAT	VAT	Total
-------------	------	------------	----------	-------	------	-----	-------

Fakturuje Vám dodávku střešní hliníkové konstrukce Universe - v rozloženém stavu

We invoice you

Aluminium roofing construction, type

Universe, Client: Mr. Leon Galecki,

154 Gumey Ln. Langston, AL

35755-8202 US

transport

Total amount				20,871.64		0.00	20,871.64
Rounding							0.38
<b>TOTAL DUE</b>						<b>Currency EUR</b>	<b>20,872.00</b>

goods is dismantled in parts

Container: HJCU 139800-0

Total : 3 colls

Brutto: 3810,00 kg Netto: 3170,00 kg

Incoterms 2000 : CPT Langston US

Country of origin: Czech Republic

Pinění je osvobozeno od DPH podle §66 zákona o dani z přidané hodnoty s nárokem na odpočet daně

Issuer: Jiřka Slaninová  
j.slantinova@alukov.cz



Recapitulation in CZK:		Tax base in CZK	% VAT	VAT in CZK	Total in CZK
Foreigner exchange rate used:	27.87 CZK	581,702.64	0%		
Quantity:	1 EUR	0.00	9%	0.00	0.00
		0.00	19%	0.00	0.00

Recipient:

Official stamp:

Economic system POHODA © STORMWARE s.r.o.

**Alukov HZ spol. s r.o.**

Supplier:  
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**Orel 18**  
**538 21 Slatiňany**  
**Česká republika**

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E-mail: alukov@alukov.cz  
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Issuing Bank: Komerční banka  
SWIFT: KOMBICZPPXXX  
IBAN: CZ350100000788108660277  
Account No.: 78-8108660277 Bank code: 0100

**INVOICE - TAX DOCUMENT No. 29VF01203**

Variable symbol: 2901203  
Constant Code: 0308  
Order No.: date

Customer: Identif. number:

**Pool & Spa Enclosures, LLC**  
**237 Prospect Plains Rd.**  
**Monroe Township, NJ 08831**

**United States**

Payment: payment order  
Invoice date: 20.07.2009  
Due date: 03.08.2009  
Date of a taxable supply: 20.07.2009

Receiver:

Description	Q'ty	Unit price	Discount	Price	%VAT	VAT	Total
Fakturuje Vám dodávku střešní hliníkové konstrukce - v rozloženém stavu							
We invoice you							
Aluminium roofing construction, type Oceanic, Client: John Kirkwood, 60 Woodmount Rd., Montclair, NJ 07043	1 ks	7,941.95		7,941.95	0%	0.00	7,941.95
Aluminium roofing construction, type Veranda, Client: Sila Frank, 8 Birch Run Ct., Ewing, NJ 08582	1 ks	5,020.00		5,020.00	0%	0.00	5,020.00
Aluminium roofing construction, type Corso, Client: Atlantic Group	1 ks	10,794.43		10,794.43	0%	0.00	10,794.43
transport	1	1,861.00		1,861.00	0%	0.00	1,861.00
Total amount				25,617.38		0.00	25,617.38
Rounding							-0.38
<b>TOTAL DUE</b>				Currency EUR			<b>25,617.00</b>

goods is dismantled in parts  
Container: TRLU 679971-4  
Total : 51  
Brutto: 2475 kg Netto: 2105 kg  
Incoterms 2000 : CPT TIMEX EXPRESS  
1 Slater Drive, Elizabeth NJ 07206, US

Country of origin: Czech Republic

  
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Plnění je osvobozeno od DPH podle §66 zákona o dani z přidané hodnoty s nárokem na odpočet daně.

Issuer: Jitka Stanínová  
j.staninova@alukov.cz

	Recapitulation in CZK:	Tax base in CZK	% VAT	VAT in CZK	Total in CZK
Foreigner exchange rate used:	25.89 CZK	663,224.13	0%		
Quantity:	1 EUR	0.00	9%	0.00	0.00

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Alukov HZ spol. s r.o.

INVOICE - TAX DOCUMENT No. 29VF01202

Supplier:  
Alukov HZ spol. s r.o.  
Orel 18  
538 21 Slatňany  
Česká republika

Variable symbol: 2901202  
Constant Code: 0308  
Order No.: date

Identif. number: 64257746  
Tax identity: CZ64257746  
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Mobile phone: 802 141 969  
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E-mail: alukov@alukov.cz  
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Customer: Identif. number:

Pool & Spa Enclosures, LLC  
237 Prospect Plains Rd.  
Monroe Township, NJ 08831

Issuing Bank: Komerční banka  
SWIFT: KOMBCZPPXXX  
IBAN: CZ3501000000788108660277  
Account No.: 78-8108660277 Bank code: 0100

United States

Payment: payment order  
Invoice date: 20.07.2009  
Due date: 03.08.2009  
Date of a taxable supply: 20.07.2009

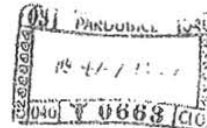
Receiver:

Description	Q'ty	Unit price	Discount	Price	%VAT	VAT	Total
Fakturujeeme Vám dodávku střešní hliníkové konstrukce Laguna - v rozloženém stavu							
We invoice you							
Aluminium roofing construction, type	1 ks	21,117.50		21,117.50	0%	0.00	21,117.50
Laguna, Client: Mark Bitzan, N95W							
18855 Jay Drive Menomonee Falls,							
WI 53051 US							
transport	1	5,130.00		5,130.00	0%	0.00	5,130.00
Total amount				26,247.50		0.00	26,247.50
Rounding							0.60
TOTAL DUE				Currency EUR			26,248.00

goods is dismantled in parts  
Container: TRLU 922883-2  
Total: 1 coll  
Brutto: 2215 kg Netto: 1820 kg  
Incoterms 2000: DDU Menomonee Falls USA

Country of origin: Czech Republic

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Pinění je osvobozeno od DPH podle §68 zákona o dani z přidané hodnoty s nárokem na odpočet daně.

Issuer: Jitka Staninová  
j.staninova@alukov.cz

	Recapitulation in CZK	Tax base in CZK	% VAT	VAT in CZK	Total in CZK
Foreign exchange rate used:	25.89 CZK	879,560.72	0%		
Quantity:	1 EUR	0.00	9%	0.00	0.00
		0.00	19%	0.00	0.00

Recipient:

Official stamp:

Economic system POHODA © STORMWARE s.r.o.

**Alukov HZ spol. s r.o.**

Supplier:  
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Česká republika

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Issuing Bank: Komerční banka  
SWIFT: KOMBCZPPXXX  
IBAN: CZ3501000000789108660277  
Account No.: 78-8108660277 Bank code: 0100

**INVOICE - TAX DOCUMENT No. 29VF01615**

Variable symbol: 2901615  
Constant Code: 0308  
Order No.: date

Customer: Identif. number:

Pool & Spa Enclosures, LLC  
237 Prospect Plains Rd.  
Monroe Township, NJ 08831

United States

Payment: payment order  
Invoice date: 17.09.2009  
Due date: 01.10.2009  
Date of a taxable supply: 17.09.2009

Receiver:

Description	Q'ty	Unit price	Discount	Price	%VAT	VAT	Total
Fakturuje Vam dodávku střešní hliníkové konstrukce - v rozloženém stavu							
We invoice you							
Aluminium roofing construction, type	1 ks	8,542.86		8,542.86	0%	0.00	8,542.86
Universe combi, Client: Peter Kemble							
, 148 Mountain Road, Greenfield,							
MA 01302							
transport	1	1,793.00		1,793.00	0%	0.00	1,793.00
Total amount				10,335.86		0.00	10,335.86
Rounding							0.14
TOTAL DUE				Currency EUR			10,336.00

goods is dismantled in parts  
Container: BSIU 2171967  
Total: 1  
Brutto: 1005 kg Netto: 800 kg  
Incoterms 2000: DDU Greenfield

Country of origin: Czech Republic

Plnění je osvobozeno od DPH podle §86 zákona o dani z přidané hodnoty s nárokem na odpočet daně.

Issuer: Jitka Stanínová  
j.staninova@alukov.cz

Recapitulation in CZK:		Tax base in CZK	% VAT	VAT in CZK	Total in CZK
Foreigner exchange rate used:	26.38 CZK	262,327.68	0%		
Quantity:	1 EUR	0.00	9%	0.00	0.00
		0.00	19%	0.00	0.00

Recipient:

Official stamp:

Economic system POHODA © STORMWARE s.r.o.

**Alukov HZ spol. s r.o.**

Supplier:  
Alukov HZ spol. s r.o.  
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E-mail: alukov@alukov.cz  
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Issuing Bank: Komerční banka  
SWIFT: KOMBHCZPPXXX  
IBAN: CZ3501000000788108660277  
Account No.: 78-8108660277 Bank code: 0100

**INVOICE - TAX DOCUMENT No. 29VF01699**

Variable symbol: 2901699  
Constant Code: 0308  
Order No.: date

Customer: Identif. number:

Pool & Spa Enclosures, LLC  
237 Prospect Plains Rd.  
Monroe Township, NJ 08831

United States

Payment: payment order  
Invoice date: 29.09.2009  
Due date: 13.10.2009  
Date of a taxable supply: 29.09.2009

Receiver:

Description	Q'ty	Unit price	Discount	Price	%VAT	VAT	Total
Fakturuje Vám dodávku střešní hliníkové konstrukce - v rozloženém stavu							
We invoice you							
Aluminium roofing construction, type Universe 7,46x19,61x2,540 m, Client: Stefan Aigner 112 Mount Airy Rd PA 18947 Pipersville US	1 ks	28,868.75		28,868.75	0%	0.00	28,868.75
Transport	1	2,103.00		2,103.00	0%	0.00	2,103.00
Total amount				30,971.75		0.00	30,971.75
Rounding							0.25
<b>TOTAL DUE</b>				Currency EUR			<b>30,972.00</b>

goods is dismantled in parts  
Container: MOTU 073695-6  
Total: 55  
Brutto: 2240 kg Netto: 2050 kg  
Incoterms 2000: DDU Pipersville  
Country of origin: Czech Republic



Plnění je osvobozeno od DPH podle §68 zákona o dani z přidané hodnoty s nárokem na odpočet daně.

Issuer: Jitka Slaninová  
j.slavinova@alukov.cz

	Reconciliation in CZK:	Tax base in CZK	% VAT	VAT in CZK	Total in CZK
Foreigner exchange rate used:	25.38 CZK	786,069.36	0%		
Quantity:	1 EUR	0.00	9%	0.00	0.00
		0.00	19%	0.00	0.00

Recipient:

Official stamp:

Economic system PONDRA © STORMWARE s r o

**Alukov HZ spol. s r.o.**

Supplier:  
Alukov HZ spol. s r.o.  
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638 21 Slatiňany  
Česká republika

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Mobile phone: 602 141 969  
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E-mail: alukov@alukov.cz  
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Issuing Bank: Komerční banka  
SWIFT: KOMBCZPPXXX  
IBAN: CZ3501000000788108660277  
Account No.: 78-8108660277 Bank code: 0100

**INVOICE - TAX DOCUMENT No. 29VF01698**

Variable symbol: 2901698  
Constant Code: 0308  
Order No.: date

Customer, Identif. number:

Pool & Spa Enclosures, LLC  
237 Prospect Plains Rd.  
Monroe Township, NJ 08831

United States

Payment: payment order  
Invoice date: 29.09.2009  
Due date: 13.10.2009  
Date of a taxable supply: 29.09.2009

Receiver:

Description	Qty	Unit price	Discount	Price	%VAT	VAT	Total
Fakturuje Vám dodávku střešní hliníkové konstrukce - v rozloženém stavu							
We invoice you							
Aluminium roofing construction, type	1 ks	20,711.04		20,711.04	0%	0.00	20,711.04
Tropea 7,163x14,834x2,30 m, Client:							
Leo & Eva Gans, 1044 E.Lawn							
Cl.Teaneck, NJ 01688							
transport	1	1,974.00		1,974.00	0%	0.00	1,974.00
Total amount				22,685.04		0.00	22,685.04
Rounding							-0.04
<b>TOTAL DUE</b>				Currency EUR			<b>22,685.00</b>

goods is dismantled in parts  
Container: FCIU871476-6  
Total: 1  
Brutto: 2340 kg Netto: 1800 kg  
Incoterms 2000: DDU Teaneck

Country of origin: Czech Republic

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Plnění je osvobozeno od DPH podle §66 zákona o dani z přidané hodnoty s nárokem na odpočet daně.

Issuer: Jilka Slaninová  
j.slavinova@alukov.cz


	Receptulation in CZK.	Tax base in CZK	% VAT	VAT in CZK	Total in CZK
Foreigner exchange rate used:	25.38 CZK	575,745.30	0%		
Quantity:	1 EUR	0.00	9%	0.00	0.00
		0.00	19%	0.00	0.00

Recipient:

Official stamp.

Economic system POHODA © STORMWARE s r o



<b>Alukov HZ spol. s r.o.</b> <b>Orel 18</b> <b>538 21 Slatiňany</b> <b>Česká republika</b>  Identif. number: 64257746 Tax identifiy: CZ64257746 Telephone: 469 681 488 Mobile phone: 602 141 969 Fax: 469 681 488 E-mail: alukov@alukov.cz www.alukov.cz		<b>INVOICE - TAX DOCUMENT</b>  Variable symbol: 25C/1725 Constant Code: CCB Order No.: date  Customer: Identif. number:  <b>Pool &amp; Spa Enclosures, LLC</b> <b>237 Prospect Plains Rd.</b> <b>Monroe Township, NJ 08831</b>  <b>United States</b>					
Issuing Bank: Komerční banka SWIFT: KOMBCZPPXXX IBAN: CZ3501000000788108660277 Account No.: 78-8108660277 Bank code: 0100		Receiver:					
Payment: payment order Invoice date: 07.10.2009 Due date: 21.10.2009 Date of a taxable supply: 07.10.2009							
Description	Q'ty	Unit price	Discount	Price	%VAT	VAT	Total
Fakturujeme Vám dodávku střešní hliníkové konstrukce - v rozloženém stavu  We invoice you Aluminium roofing construction, type Laguna 8839x21336 mm, Client: Mark Engler, 116 Homersdown Arneytown Rd. Allentown, NJ 08501 , USA transport							
	1 ks	40,793.00		40,793.00	0%	0.00	40,793.00
	1	1,817.00		1,817.00	0%	0.00	1,817.00
Total amount				42,610.00		0.00	42,610.00
<b>TOTAL DUE</b>				<b>Currency EUR</b>			<b>42,610.00</b>
goods is dismantled in parts Container: TGHU 723127-2 Total : 138 colli Brutto: 5850 kg Netto: 5025 kg Incoterms 2000 : DDU Allentown Country of origin: Czech Republic							
Plnění je osvobozeno od DPH podle §66 zákona o dani z přidané hodnoty s nárokem na odpočet daně.  Issuer: Jilka Slaninová j.slavinova@alukov.cz				 <b>ALUKOV HZ, spol. s r.o.</b> Orel 18, 538 21 Slatiňany tel: +420 469 681 488, fax: +420 469 681 321 IČ: 64257746 DIČ: CZ64257746 www.alukov.cz			
Recapitulation in CZK:		Tax base in CZK		% VAT	VAT in CZK	Total in CZK	
Foreigner exchange rate used:	25.165 CZK	1,072,280.65		0%			
Quantity:	1 EUR	0.00		9%	0.00	0.00	
		0.00		19%	0.00	0.00	
Recipient:				Official stamp:			
Economic system POHODA © STORMWARE s.r.o.							

Alukov HZ spol. s r.o.

ADVANCE INVOICE No. 29VZa00826

Supplier:  
Alukov HZ spol. s r.o.  
Orel 18  
538 21 Slatiňany  
Česko

Variable symbol: 2900826  
Constant Code: 0308  
Order No.: date

Identif. number: 64257746  
Tax Identity: CZ64257746  
Telephone: 469 681 488  
Mobile phone: 602 141 969  
Fax: 469 681 488  
E-mail: alukov@alukov.cz  
www.alukov.cz

Customer: Identif. number:

Pool & Spa Enclosures, LLC  
237 Prospect Plains Rd.  
Monroe Township, NJ 08831

United States

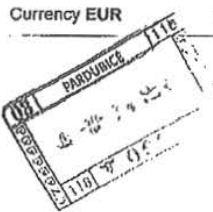
Issuing Bank: Komerční banka  
SWIFT: KOMBCZPPXXX  
IBAN: CZ350100000788108660277  
Account No.: 78-8108660277 Bank code: 0100

Payment: payment order  
Invoice date: 13.10.2009  
Due date: 27.10.2009

Receiver:

Description	Q'ty	Unit price	Discount	EUR	Total
Dodávka střešní hliníková konstrukce v rozloženém stavu - výstavní - cena jen pro celní účely					
Aluminium roofing construction, type Laguna Grande 7468x14634x2750mm - Showroom	1	30,019.10			30,019.10

Total amount	30,019.10
Rounding	-0.10
<b>TOTAL DUE</b>	<b>30,019.00</b>



goods is dismantled in parts  
Container:CMCU 440285-2  
Total: 1 coll  
Brutto: 3505,00 kg Netto: 2855,00 kg  
INCOTERMS 2000 : DDU Monmouth Junction

FOR CUSTOMS PURPOSES ONLY. FREE OF CHARGE.  
Country of origin: Czech Republic

Issuer: Jitka Slaninová  
j.slavinova@alukov.cz



Firma Alukov HZ spol. s r.o. je zapsána v obchodním rejstříku Krajského soudu Hradec Králové oddíl C, vložka 8606

Recipient:

Official stamp:

Economic system POHODA © STORMWARE s.r.o.



**Alukov HZ spol. s r.o.**

Supplier:  
Alukov HZ spol. s r.o.  
Orel 18  
538 21 Slatihany  
Česko

Identif. number: 64267746  
Tax identity: CZ64267746  
Telephone: 469 681 488  
Mobile phone: 602 141 989  
Fax: 469 681 488  
E-mail: alukov@alukov.cz  
www.alukov.cz

Issuing Bank: Komerční banka  
SWIFT: KOMBCZPPXXX  
IBAN: CZ350100000788108660277  
Account No.: 78-8108660277 Bank code: 0100

**INVOICE - TAX DOCUMENT No. 10VF00705**

Variable symbol: 1000705  
Constant Code: 0308  
Order No.: date

Customer: Identif. number:

Pool & Spa Enclosures, LLC  
237 Prospect Plains Rd.  
Monroe Township, NJ 08831

United States

Payment: payment order  
Invoice date: 03.08.2010  
Due date: 17.08.2010  
Date of a taxable supply: 03.08.2010

Receiver:

Description	Q'ty	Unit price	Discount	Price	%VAT	VAT	Total
Fakturuje Vám dodávku střešní hliníkové konstrukce - v rozloženém stavu							
We invoice you							
Aluminium roofing construction, type Viva 3,734x14,834x1,167 m, Client: Alan & Pamela Onstle, 4 Scotts Laiding Rd., Southampton NJ	1 ks	9,335.23		9,335.23	0%	0.00	9,335.23
Aluminium roofing construction, type Oceanic 5,488x10,556x1,981 m, Client: Warren Schäffel, Edison NJ	1 ks	12,275.39		12,275.39	0%	0.00	12,275.39
Aluminium roofing construction, type Veranda 3,336x5,640x2,540 m, Client: Susie Chu	1 ks	4,350.00		4,350.00	0%	0.00	4,350.00
Aluminium roofing construction, type Style 4,588x6,350x2,525 m, Client: Shashi Jan, Lynnfield, MA 01940	1 ks	8,129.70		8,129.70	0%	0.00	8,129.70
Aluminium roofing construction, type Laguna Combi 5,112x7,214x5,813x6,223x2,30 m, Client: Sheela & Aditya Choubey	1 ks	15,773.75		15,773.75	0%	0.00	15,773.75
transport	1	3,315.00		3,315.00	0%	0.00	3,315.00

Total amount 53,179.07 0.00 53,179.07  
Rounding -0.07  
**TOTAL DUE** Currency EUR **53,179.00**

goods is dismantled in parts  
Container: TGHU 749047-9  
Total: 160 colls  
Brutto: 5450kg Netto: 5295 kg  
Incoterms 2000: DDU  
Country of origin: Czech Republic

Plnění je osvobozeno od DPH podle §66 zákona o dani z přidané hodnoty s nárokem na odpočet daně.

Economic and information system POHODA



Alukov HZ spol. s r.o.

Supplier  
Alukov HZ spol. s r.o.  
Orel 18  
538 21 Slatihany  
Česko

Identif. number: 64257746  
Tax identity: CZ64257746  
Telephone: 469 681 488  
Mobile phone: 602 141 969  
Fax: 469 681 488  
E-mail: alukov@alukov.cz  
www.alukov.cz

Issuing Bank: Komerční banka  
SWIFT: KOMBCZPPXXX  
IBAN: CZ350100000788108660277  
Account No. 78-8108660277 Bank code 0100

INVOICE - TAX DOCUMENT No. 10VF00796

Variable symbol: 1000796  
Constant Code: 0308  
Order No. date

Customer: Identif. number:

Pool & Spa Enclosures, LLC  
237 Prospect Plains Rd.  
Monroe Township, NJ 08831

United States

Payment: payment order  
Invoice date: 10.06.2010  
Due date: 24.06.2010  
Date of a taxable supply: 10.06.2010

Receiver:

Description	Qty	Unit price	Discount	Price	%VAT	VAT	Total
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Fakturuje Vám dodávku střešní hliníkové konstrukce - v rozloženém stavu

We invoice you

Aluminum roofing construction, type	1 ks	14,020.50		14 020.50	0%	0.00	14,020.50
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Universe 5,944x12,649x2,235 m,  
Client: Jennifer Hall 3324 Elm  
Terrace, Faus Church, UA 22042  
USA

Aluminum roofing construction, type	1 ks	6,708.42		6,708.42	0%	0.00	6,708.42
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Elegant 4,648x10,566x1,168 m,  
Client: James Griffin, 1071 Linkside  
Drive, Hendersonville, NC 28739  
USA

Transport	1	3,976.00		3,976.00	0%	0.00	3,976.00
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Total amount				24,704.92		0.00	24,704.92
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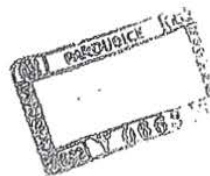
Rounding							0.08
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TOTAL DUE					Currency EUR		24,705.00
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goods is dismantled in parts  
Container: MSKU 8172716  
Total: 36 colli  
Brutto: 3140kg Netto: 2600 kg  
Incoterms 2000: DDU  
Country of origin: Czech Republic

Plnění je osvobozeno od DPH podle §66 zákona o dani z přidané hodnoty s nárokem na odpočet daně.

Issuer: Jitka Slaninová  
j.slantinova@alukov.cz



	Recapitulation in CZK	Tax base in CZK	% VAT	VAT in CZK	Total in CZK
Foreigner exchange rate used	25.51 CZK	630 224.55	0%	0.00	0.00
Quantity	1 EUR	0.00	10%	0.00	0.00
		0.00	20%		

Economic and information system POHODA

**Alukov HZ spol. s r.o.**

Supplier:  
Alukov HZ spol. s r.o.  
Oral 18  
538 21 Slatiňany  
Česko

Identif. number: 64257746  
Tax identity: CZ64257746  
Telephone: 469 681 488  
Mobile phone: 602 141 989  
Fax: 469 681 488  
E-mail: alukov@alukov.cz  
www.alukov.cz

Issuing Bank: Komerční banka  
SWIFT: KOMBCZPPXXX  
IBAN: CZ3501000000788108660277  
Account No.: 78-8108660277 Bank code: 0100

**INVOICE - TAX DOCUMENT No. 10VF00867**

Variable symbol: 1000867  
Constant Code: 0308  
Order No.: date

Customer: Identif. number:

Pool & Spa Enclosures, LLC  
237 Prospect Plains Rd.  
Monroe Township, NJ 08831

United States

Payment: payment order  
Invoice date: 16.06.2010  
Due date: 30.08.2010  
Date of a taxable supply: 16.06.2010

Receiver:

Description	Q'ty	Unit price	Discount	Price	%VAT	VAT	Total
Fakturuje Vám dodávku střešní hliníkové konstrukce - v rozloženém stavu							
We invoice you							
Aluminium roofing construction, type	1 ks	8,077.50		8,077.50	0%	0.00	8,077.50
Universe 5,69x12,649x2,007 m, Client: Pat Riley, Edmons WA 98026							
Transport	1	3,464.00		3,464.00	0%	0.00	3,464.00
Total amount				11,541.50		0.00	11,541.50
Rounding							0.50
<b>TOTAL DUE</b>				Currency EUR			<b>11,542.00</b>

goods is dismantled in parts  
Container: PONU1281021  
Total: 1 coll  
Brutto: 1680 kg Netto: 1260 kg  
Incoterms 2000: DDU Edmons, WA 98026  
Country of origin: Czech Republic

Plnění je osvobozeno od DPH podle §96 zákona o dani z přidané hodnoty s nárokem na odpočet daně.

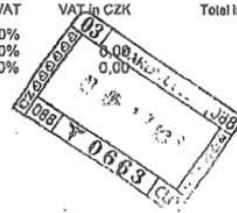
Issuer: Jitka Stanínová  
j.staninova@alukov.cz

	Recapitulation in CZK:	Tax base in CZK	% VAT	VAT in CZK	Total in CZK
Foreigner exchange rate used:	25.51 CZK	294 436.42	0%	0.00	0.00
Quantity:	1 EUR	0.00	10%	0.00	0.00
		0.00	20%	0.00	0.00

Recipient:

Official stamp:

Economic and Information system POHODA



**Alukov HZ spol. s r.o.**

Supplier:  
Alukov HZ spol. s r.o.  
Orel 18  
538 21 Slatňany  
Česko

Identif. number: 64257746  
Tax identity: CZ64257746  
Telephone: 469 681 488  
Mobile phone: 602 141 969  
Fax: 469 681 488  
E-mail: alukov@alukov.cz  
www.alukov.cz

**INVOICE - TAX DOCUMENT No. 10VF01585**

Variable symbol: 1001585  
Constant Code: 0308  
Order No.: date

Customer: Identif. number:

Pool & Spa Enclosures, LLC  
237 Prospect Plains Rd.  
Monroe Township, NJ 08831

United States

Issuing Bank: Komerční banka  
SWIFT: KOMBCZPPXXX  
IBAN: CZ3501000000788108660277  
Account No.: 78-8108660277 Bank code: 0100

Payment: payment order  
Invoice date: 16.09.2010  
Due date: 30.09.2010  
Date of a taxable supply: 16.09.2010  
Receiver:

Description	Q'ty	Unit price	Discount	Price	%VAT	VAT	Total
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Fakturujeeme Vám dodávku střešní hliníkové konstrukce - v rozloženém stavu

We Invoice you

Aluminium roofing construction, type

Viva 2743x4166x1212 mm, Client:

Raymond Zenklich

Aluminium roofing construction, type

Tropea 5690x14833x1950 mm,

Client: George November

Total amount				18,452.97		0.00	18,452.97
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Rounding

TOTAL DUE

Currency EUR

18,453.00

goods is dismantled in parts

Container:KKFU 718213-7

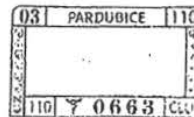
Total: 2 coll

Brutto: 2210kg Netto: 1740kg

Country of origin: Czech Republic

Pinění je osvobozeno od DPH podle §66 zákona o dani z přidané hodnoty s nárokem na odpočet daně.

Issuer: Jitka Staninová  
j.staninova@alukov.cz



	Recapitulation in CZK:	Tax base in CZK	% VAT	VAT in CZK	Total in CZK
Foreigner exchange rate used:	24.85 CZK	458 557.05	0%		
Quantity:	1 EUR	0.00	10%	0.00	0.00
		0.00	20%	0.00	0.00

Recipient:

Official stamp:

Economic and information system POHODA

Alukov HZ spol. s r.o.

Supplier:  
Alukov HZ spol. s r.o.  
Orel 18  
538 21 Slatiňany  
Česko

Identif. number: 64257746  
Tax identity: CZ64257746  
Telephone: 469 681 488  
Mobile phone: 602 141 969  
Fax: 469 681 488  
E-mail: alukov@alukov.cz  
www.alukov.cz

INVOICE - TAX DOCUMENT No. 10VF01619

Variable symbol: 1001619  
Constant Code: 0308  
Order No.: date

Customer: Identif. number:

Pool & Spa Enclosures, LLC  
237 Prospect Plains Rd.  
Monroe Township, NJ 08831

United States

Issuing Bank: Komerční banka  
SWIFT: KOMBCZPPXXX  
IBAN: CZ3501000000788108660277  
Account No.: 78-8108660277 Bank code: 0100

Payment: payment order  
Invoice date: 23.09.2010  
Due date: 07.10.2010  
Date of a taxable supply: 23.09.2010

Receiver:

Description	Q'ty	Unit price	Discount	Price	%VAT	VAT	Total
Fakturuje Vám dodávku střešní hliníkové konstrukce - v rozloženém stavu							
We invoice you							
Aluminium roofing construction, type Laguna 4724x2350x2438/2743 mm, Client: Roman	1 ks	27,660.20		27,660.20	0%	0.00	27,660.20
Aluminium roofing construction, type Orlando d. 5m, Client: Gerry Van De Hei	1 ks	4,500.00		4,500.00	0%	0.00	4,500.00
Total amount				32,160.20		0.00	32,160.20
Rounding							-0.20
TOTAL DUE				Currency EUR			32,160.00

goods is dismantled in parts  
Container: HLXU461145-B  
Total: 9 colli  
Brutto: 3190 kg Netto: 2730 kg  
Country of origin: Czech Republic

Mr. Roman Karnaoukhov  
606 Rockaway Street  
Staten Island  
NY 10307  
US



Plnění je osvobozeno od DPH podle §66 zákona o dani z přidané hodnoty s výjimkou na odpočet daně.

Issuer: Jitka Slaninová  
j.slavinova@alukov.cz

ALUKOV HZ spol. s r.o.  
Orel 18, 538 21 Slatiňany  
tel: +420 469 681 488, fax: +420 469 681 321  
IC: 64257746 DIČ: CZ64257746  
www.alukov.cz

	Recapitulation in CZK:	Tax base in CZK	% VAT	VAT in CZK	Total in CZK
Foreigner exchange rate used	24.85 CZK	799 176.00	0%		
Quantity:	1 EUR	0.00	10%	0.00	0.00
		0.00	20%	0.00	0.00

Economic and Information system POHODA



**Alukov HZ spol. s r.o.**

Supplier:  
Alukov HZ spol. s r.o.  
Orel 18  
538 21 Slatiňany  
Česko

Identif. number: 64257746  
Tax identity: CZ64257746  
Telephone: 469 681 488  
Mobile phone: 602 141 969  
Fax: 469 681 488  
E-mail: alukov@alukov.cz  
www.alukov.cz

Issuing Bank: Komerční banka  
SWIFT: KOMBCZPPXXX  
IBAN: CZ350100000788108660277  
Account No.: 78-8108660277 Bank code: 0100

**INVOICE - TAX DOCUMENT No. 10VF01738**

Variable symbol: 1001738  
Constant Code: 0308  
Order No.: date

Customer: Identif. number:

Pool & Spa Enclosures, LLC  
237 Prospect Plains Rd.  
Monroe Township, NJ 08831

United States

Payment: payment order  
Invoice date: 07.10.2010  
Due date: 21.10.2010  
Date of a taxable supply: 07.10.2010

Receiver:

Description	Q'ty	Unit price	Discount	Price	%VAT	VAT	Total
-------------	------	------------	----------	-------	------	-----	-------

Fakturujeme Vám dodávku střešní hliníkové konstrukce - v rozloženém stavu

We invoice you

Aluminum roofing construction, type  
Laguna 8230x1676x2743 mm,  
Client: Linda Coleman 1680 8th St.  
Hammond OR 97121

Total amount	30,093.30	0.00	30,093.30
Rounding			-0.30
<b>TOTAL DUE</b>		<b>Currency EUR</b>	<b>30,093.00</b>

goods is dismantled in parts  
Container: HLXU 460829-0  
Total: 1 coll  
Brutto: 2130 kg Netto: 1750 kg  
Country of origin: Czech Republic

Plnění je osvobozeno od DPH podle §66 zákona o dani z přidané hodnoty s nárokem na odpočet daně.

Issuer: Jitka Staninová  
j.staninova@alukov.cz



ALUKOV HZ spol. s r.o.  
Orel 18, 538 21 Slatiňany  
tel: +420 469 681 488, fax: +420 469 681 321  
IC: 64257746 DIČ: CZ64257746  
www.alukov.cz

Recapitulation in CZK:		Tax base in CZK	% VAT	VAT in CZK	Total in CZK
Foreigner exchange rate used	24.61 CZK	740 588,73	0%		
Quantity:	1 EUR	0,00	10%	0,00	0,00
		0,00	20%	0,00	0,00

Recipient:

Official stamp:

Economic and Information system POHODA

Alukov HZ spol. s r.o.

Supplier:  
Alukov HZ spol. s r.o.  
Orel 18  
538 21 Slatiňany  
Česko

Identif. number: 64257746  
Tax identity: CZ64257746  
Telephone: 469 681 488  
Mobile phone: 602 141 959  
Fax: 469 681 488  
E-mail: alukov@alukov.cz  
www.alukov.cz

INVOICE - TAX DOCUMENT No. 10VF01544

Variable symbol: 1001544  
Constant Code: 0308  
Order No.: date

Customer: Identif. number:

Pool & Spa Enclosures, LLC  
237 Prospect Plains Rd.  
Monroe Township, NJ 08831

United States

Issuing Bank: Komerční banka  
SWIFT: KOMBCZPPXXX  
IBAN: CZ3501000000788108660277  
Account No.: 78-8108660277 Bank code: 0100

Payment: payment order  
Invoice date: 10.09.2010  
Due date: 24.09.2010  
Date of a taxable supply: 10.09.2010

Receiver:

Description	Q'ty	Unit price	Discount	Price	%VAT	VAT	Total
-------------	------	------------	----------	-------	------	-----	-------

Fakturujeme Vám dodávku střešní hliníkové konstrukce - v rozloženém stavu

We invoice you

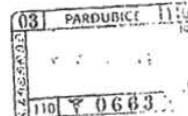
Aluminium roofing construction, type Veranda 3266x5393x3048 mm, Client: Bill Wenger	1 ks	5 640.00		5,640.00	0%	0.00	5,640.00
Aluminium roofing construction, type Veranda 3856x5922x3353 mm, Client: Stanley Tylecki	1 ks	8,318.00		8,318.00	0%	0.00	8,318.00
Aluminium roofing construction, type Imperia 4724x2948x1156 mm, Client: Koe & Cynthia Hollingsworth	1 ks	3,991.70		3,991.70	0%	0.00	3,991.70
Parts aluminium construction - door, Client: Galecki	1 ks	280.00		280.00	0%	0.00	280.00

Total amount	18,229.70	0.00	18,229.70
Rounding			0.30
<b>TOTAL DUE</b>		<b>Currency EUR</b>	<b>18,230.00</b>

goods is dismantled in parts  
Container:KKFU 732809-4  
Total : 38 colli  
Brutto: 2154 kg Netto: 1730 kg  
Country of origin: Czech Republic

Plnění je osvobozeno od DPH podle §66 zákona o dani z přidané hodnoty s nárokem na odpočet daně

Issuer: Jitka Slaninová  
j.slavinova@alukov.cz



Recapitulation in CZK:	Tax base in CZK	% VAT	VAT in CZK	Total in CZK
Foreign exchange rate used: 24.86 CZK	453 015.60	0%		
Quantity: 1 EUR	0.00	10%	0.00	0.00
	0.00	20%	0.00	0.00

Economic and information system POHODA

**Alukov HZ spol. s r.o.**

Supplier:  
**Alukov HZ spol. s r.o.**  
**Orel 18**  
**538 21 Státníky**  
**Česko**

Identif. number: 64257746  
 Tax identity: CZ64257746

Telephone: 469 681 488  
 Mobile phone: 602 141 969  
 Fax: 469 681 488  
 E-mail: alukov@alukov.cz  
 www.alukov.cz

Issuing Bank: Komerční banka  
 SWIFT: KOMBCZPPXXX  
 IBAN: CZ3501000000788108660277  
 Account No.: 78-8108660277 Bank code: 0100

**INVOICE - TAX DOCUMENT No. 10VF01899**

Variable symbol: 1001899  
 Constant Code: 0308  
 Order No.: date

Customer: Identif. number:

**Pool & Spa Enclosures, LLC**  
**237 Prospect Plains Rd.**  
**Monroe Township, NJ 08831**

**United States**

Payment: payment order  
 Invoice date: 01.11.2010  
 Due date: 15.11.2010  
 Date of a taxable supply: 01.11.2010

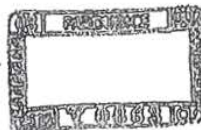
Receiver:

Description	Q'ty	Unit price	Discount	Price	%VAT	VAT	Total
Fakturuje Vám dodávku střešní hliníkové konstrukce - v rozloženém stavu							
We invoice you							
Aluminium roofing construction, type	1 ks	7,610.00		7,610.00	0%	0.00	7,610.00
Laguna 4191x845x2311 mm, Client:							
Mr. Charles Kotel, 11258 Walker							
Rd., Mount Vernon W 98273							
Total amount				7,610.00		0.00	7,610.00
TOTAL DUE				Currency EUR			7,610.00

goods is dismantled in parts  
 Container: INKU 253145-6  
 Total: 9 colli  
 Brutto: 1240 kg Netto: 940 kg  
 Country of origin: Czech Republic

Plnění je osvobozeno od DPH podle §66 zákona o dani z přidané hodnoty s nárokem na odpočet daně.

Issuer: Jitka Slaninová  
 j.slavinova@alukov.cz



Recapitulation in CZK:		Tax base in CZK	% VAT	VAT in CZK	Total in CZK
Foreigner exchange rate used:	24.805 CZK	187 244,05	0%		
Quantity:	1 EUR	0,00	10%	0,00	0,00
		0,00	20%	0,00	0,00

Recipient:

Official stamp:

Economic and information system POHODA

**Alukov HZ spol. s r.o.**

Supplier:  
Alukov HZ spol. s r.o.  
Orel 18  
538 21 Slatiňany  
Česko

Identif. number: 64257746  
Tax identity: CZ64257746

Telephone: 469 681 488  
Mobile phone: 602 141 969  
Fax: 469 681 488  
E-mail: alukov@alukov.cz  
www.alukov.cz

Issuing Bank: Komerční banka  
SWIFT: KOMBCZPPXXX  
IBAN: CZ3501000000788108660277  
Account No.: 78-8108660277 Bank code: 0100

**INVOICE - TAX DOCUMENT No. 10VF01938**

Variable symbol: 1001938  
Constant Code: 0308  
Order No.: date

Customer: Identif. number:

Pool & Spa Enclosures, LLC  
237 Prospect Plains Rd.  
Monroe Township, NJ 08831

United States

Payment: payment order  
Invoice date: 04.11.2010  
Due date: 18.11.2010  
Date of a taxable supply: 04.11.2010

Receiver:

Description	Q'ty	Unit price	Discount	Price	%VAT	VAT	Total
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Fakturujeme Vám dodávku střešní hliníkové konstrukce - v rozloženém stavu

We invoice you

Aluminium roofing construction, type  
Tropea 6731x14834x2311 mm,  
Client: Alex Korkishko 4505 So Roger  
drive Salt Lake City UT 84142 USA

1 ks	18,176.40	18,176.40	0%	0.00	18,176.40
------	-----------	-----------	----	------	-----------

Total amount	18,176.40	0.00	18,176.40
Rounding			-0.40
<b>TOTAL DUE</b>	<b>Currency EUR</b>		<b>18,176.00</b>

goods is dismantled in parts  
Container: MSCU 941640-1  
Total: 1 coll  
Brutto: 2560 kg Netto: 2210 kg  
Country of origin: Czech Republic

Plnění je osvobozeno od DPH podle §66 zákona o dani z přidané hodnoty s nárokem na odpočet daně

Issuer: Jitka Slaninová  
j.slantinova@alukov.cz

	Recapitulation in CZK:	Tax base in CZK	% VAT	VAT in CZK	Total in CZK
Foreigner exchange rate used:	24.605 CZK	447 220.48	0%		
Quantity:	1 EUR	0.00	10%	0.00	0.00
		0.00	20%	0.00	0.00

Recipient:

Official stamp:

Economic and information system POHODA

**Alukov HZ spol. s r.o.**

Supplier:  
Alukov HZ spol. s r.o.  
Orel 18  
538 21 Slatiňany  
Česko

Identif. number: 64257746  
Tax identity: CZ64257746

Telephone: 469 681 488  
Mobile phone: 602 141 969  
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E-mail: alukov@alukov.cz  
www.alukov.cz

Issuing Bank: Komerční banka  
SWIFT: KOMBCZPPXXX  
IBAN: CZ3501000000788108660277  
Account No.: 78-8108660277 Bank code: 0100

Payment: payment order  
Invoice date: 05.11.2010  
Due date: 19.11.2010  
Date of a taxable supply: 05.11.2010

**INVOICE - TAX DOCUMENT No. 10VF01943**

Variable symbol: 1001943  
Constant Code: 0308  
Order No.: date

Customer: Identif. number:

Pool & Spa Enclosures, LLC  
237 Prospect Plains Rd.  
Monroe Township, NJ 08831

United States

Receiver:

Description	Q'ty	Unit price	Discount	Price	%VAT	VAT	Total
Fakturuje Vám dodávku střešní hliníkové konstrukce - v rozloženém stavu							
We invoice you							
Aluminium roofing construction, type Sunhouse, Client: Lynn Seave	1 ks	5,200.00		5,200.00	0%	0.00	5,200.00
Aluminium roofing construction, type Laguna 5486x10566x2311 mm, Client: Dale Harper	1 ks	10,991.16		10,991.16	0%	0.00	10,991.16
Total amount				16,191.16		0.00	16,191.16
Rounding							-0.16
TOTAL DUE				Currency EUR			16,191.00

goods is dismantled in parts  
Container:KKFU 750551-7  
Total: 2 coll  
Brutto: 1730 kg Netto: 1280 kg  
Country of origin: Czech Republic

Plnění je osvobozeno od DPH podle § 68 zákona o dani z přidané hodnoty, s nárokem na odpočet daně.

Issuer: Jilka Slaninová  
j.slavinova@alukov.cz

Recapitulation in CZK:		Tax base in CZK	% VAT	VAT in CZK	Total in CZK
Foreigner exchange rate used:	24.805 CZK	398 379.56	0%		
Quantity:	1 EUR	0.00	10%	0.00	0.00
		0.00	20%	0.00	0.00

Recipient:

Official stamp

Economic and information system POHODA

**Alukov HZ spol. s r.o.**

Supplier:  
Alukov HZ spol. s r.o.  
Orel 18  
538 21 Slatiňany  
Česko

Identif. number: 84257746  
Tax identity: CZ64257746

Telephone: 469 681 488  
Mobile phone: 602 141 969  
Fax: 469 681 488  
E-mail: alukov@alukov.cz  
www.alukov.cz

Issuing Bank: Komerční banka  
SWIFT: KOMBCZPPXXX  
IBAN: CZ350100000788108660277  
Account No.: 78-8108660277 Bank code: 0100

Payment: payment order  
Invoice date: 12.11.2010  
Due date: 28.11.2010  
Date of a taxable supply: 12.11.2010

**INVOICE - TAX DOCUMENT No. 10VF01989**

Variable symbol: 1001989  
Constant Code: 0308  
Order No.: date

Customer: Identif. number:

Pool & Spa Enclosures, LLC  
237 Prospect Plains Rd.  
Monroe Township, NJ 08831

United States

Receiver:

Description	Q'ty	Unit price	Discount	Price	%VAT	VAT	Total
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Fakturuje Vam dodávku střešní hliníkové konstrukce - v rozloženém stavu

We invoice you

Aluminum roofing construction, type  
Laguna Grande  
8534/3271x17069/4927x2997mm,  
Client: Dmitry Shvartsman

1 ks

39,919.83

39,919.83

0%

0.00

39,919.83

Total amount

39,919.83

0.00

39,919.83

Rounding

0.17

TOTAL DUE

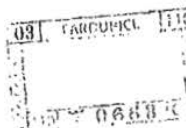
Currency EUR

39,920.00

goods is dismantled in parts  
Container:KKFU 755512-2  
Total : 192 colls  
Brutto: 4126 kg Netto: 4080 kg  
Country of origin: Czech Republic

Pinění je osvobozeno od DPH podľa §56 zákona o dani z přidané hodnoty s nárokem na odpočet daně.

Issuer: Jitka Slaninová  
j.slavinova@alukov.cz



	Recapitulation in CZK:	Tax base in CZK	% VAT	VAT in CZK	Total in CZK
Foreigner exchange rate used:	24.805 CZK	982 231.60	0%		
Quantity:	1 EUR	0.00	10%	0.00	0.00
		0.00	20%	0.00	0.00

Recipient:

Official stamp:

Economic and information system POHODA

**Alukov HZ spol. s r.o.**

Supplier:  
Alukov HZ spol. s r.o.  
Orel 18  
538 21 Slatiňany  
Česko

Identif. number: 64257746  
Tax identity: CZ64257746

Telephone: 469 681 488  
Mobile phone: 802 141 969  
Fax: 469 681 488  
E-mail: alukov@alukov.cz  
www.alukov.cz

Issuing Bank: Komerční banka  
SWIFT: KOMBCZPPXXX  
IBAN: CZ3501000000788108860277  
Account No.: 78-8108860277 Bank code: 0100

**INVOICE - TAX DOCUMENT No. 10VF01991**

Variable symbol: 1001991  
Constant Code: 0308  
Order No.: date

Customer: Identif. number:

Pool & Spa Enclosures, LLC  
237 Prospect Plains Rd.  
Monroe Township, NJ 08831

United States

Payment: payment order Receiver:  
Invoice date: 12.11.2010  
Due date: 26.11.2010  
Date of a taxable supply: 12.11.2010

Description	Q'ty	Unit price	Discount	Price	%VAT	VAT	Total
Fakturuje Vám dodávku střešní hliníkové konstrukce - v rozloženém stavu							
We invoice you							
Aluminium roofing construction, type	1 ks	32,833.67		32,833.67	0%	0.00	32,833.67
Laguna Grande 8458x14834x2743							
mm, Client: Gerry Shapiro							
Total amount				32,833.67		0.00	32,833.67
Rounding							0.33
<b>TOTAL DUE</b>					Currency EUR		<b>32,834.00</b>

goods is dismantled in parts  
Container: TRLU 641289-3  
Total: 1 colli  
Brutto: 3740 kg Netto: 3350 kg  
Country of origin: Czech Republic

Plnění je osvobozeno od DPH podle §68 zákona o dani z přidané hodnoty s nárokem na odpočet daně.

Issuer: Jitka Stanínová  
j.staninova@alukov.cz



	Reconciliation in CZK:	Tax base in CZK	% VAT	VAT in CZK	Total in CZK
Foreigner exchange rate used:	24.605 CZK	807 880.57	0%		
Quantity:	1 EUR	0.00	10%	0.00	0.00
		0.00	20%	0.00	0.00

Recipient:

Official stamp:

Economic and Information system POHODA

**Alukov HZ spol. s r.o.**

Supplier:  
Alukov HZ spol. s r.o.  
Orel 18  
538 21 Slatiňany  
Česko

Identif. number: 64257748  
Tax identity: CZ64257748

Telephone: 469 681 488  
Mobile phone: 602 141 969  
Fax: 469 681 488  
E-mail: alukov@alukov.cz  
www.alukov.cz

**INVOICE - TAX DOCUMENT No. 10VF02008**

Variable symbol: 1002008  
Constant Code: 0308  
Order No.: date

Customer: Identif. number:

Pool & Spa Enclosures, LLC  
237 Prospect Plains Rd.  
Monroe Township, NJ 08831

United States

Issuing Bank: Komerční banka  
SWIFT: KOMBCZPPXXX  
IBAN: CZ3501000000788108660277  
Account No.: 78-8108660277 Bank code: 0100

Payment: payment order Receiver:  
Invoice date: 18.11.2010  
Due date: 02.12.2010  
Date of a taxable supply: 18.11.2010

Description	Q'ty	Unit price	Discount	Price	%VAT	VAT	Total
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Fakturuje Vám dodávku střešní hliníkové konstrukce - v rozloženém stavu

We invoice you							
Aluminium roofing construction, type	1 ks	9,450.00		9,450.00	0%	0.00	9,450.00
Universe 5916x12040x2311 mm,							
Client: Paul Nolan 1264 Jones Rd.							
Ilion NY 13357 USA							

Total amount	9,450.00	0.00	9,450.00
TOTAL DUE	Currency EUR		9,450.00

goods is dismantled in parts  
Container: HMCU 900052-8  
Total: 1 coll  
Brutto: 1385 kg Netto: 1050 kg  
Country of origin: Czech Republic

Plnění je osvobozeno od DPH podle §68 zákona o dani z přidané hodnoty s nárokem na odpočet daně.

Issuer: Jitka Slanínová  
j.slavinova@alukov.cz

Recapitulation in CZK:		Tax base in CZK	% VAT	VAT in CZK	Total in CZK
Foreigner exchange rate used	24.605 CZK	232 517,25	0%		
Quantity	1 EUR	0,00	10%	0,00	0,00
		0,00	20%	0,00	0,00

Recipient:

Official stamp:

Economic and information system POHODA



**Alukov HZ spol. s r.o.**

Supplier  
Alukov HZ spol. s r.o.  
Orel 18  
538 21 Staliňany  
Česko

Identif. number: 64257746  
Tax identity: CZ64257746

Telephone: 469 681 488  
Mobile phone: 602 141 989  
Fax: 469 681 488  
E-mail: alukov@alukov.cz  
www.alukov.cz

Issuing Bank: Komerční banka  
SWIFT: KOMBCCPPXXX  
IBAN: CZ3501000000788108860277  
Account No.: 78-8108860277 Bank code: 0100

**INVOICE - TAX DOCUMENT No. 10VF02010**

Variable symbol: 1002010  
Constant Code: 0308  
Order No.: date

Customer Identif. number:

Pool & Spa Enclosures, LLC  
237 Prospect Plains Rd.  
Montroe Township, NJ 08831

United States

Payment: payment order Receiver.  
Invoice date: 18.11.2010  
Due date: 02.12.2010  
Date of a taxable supply: 18.11.2010

Description	Q'ty	Unit price	Discount	Price	%VAT	VAT	Total
Fakturuje Vam dodávku sřešni hlínkové konstrukce - v rozloženém stavu							
We Invoice you							
Aluminium roofing construction, type Orlando 4m, Client: Allan Wolpowitz	1 ks	3,100.00		3,100.00	0%	0.00	3,100.00
Aluminium roofing construction, type Universe Progres 6242x12648x2200 mm, Client: Paresh Patel	1 ks	9,179.50		9,179.50	0%	0.00	9,179.50
Total amount				12,279.50		0.00	12,279.50
Rounding							0.50
<b>TOTAL DUE</b>				Currency EUR			<b>12,280.00</b>

goods is dismantled in parts  
Container: EMCU 943362-6  
Total : 2 colli  
Brutto: 2150 kg Netto: 1830 kg  
Country of origin: Czech Republic

Plnění je osvobozeno od DPH podle §66 zákona o dani z přidané hodnoty s nárokem na odpočet daně.

Issuer: Jitka Staninová  
j.staninova@alukov.cz

	Recapitulation in CZK	Tax base in CZK	% VAT	VAT in CZK	Total in CZK
Foreigner exchange rate used:	24.605 CZK	302 149.40	0%		
Quantity	1 EUR	0.00	10%	0.00	0.00
		0.00	20%	0.00	0.00

Recipient

Official stamp:

Economic and Information system POHODA

**Alukov HZ spol. s r.o.**

Supplier:  
Alukov HZ spol. s r.o.  
Orel 18  
538 21 Slatiňany  
Česko

Identif. number: 64257746  
Tax identity: CZ64257746

Telephone: 469 681 488  
Mobile phone: 602 141 969  
Fax: 469 681 488  
E-mail: alukov@alukov.cz  
www.alukov.cz

Issuing Bank: Komerční banka  
SWIFT: KOMBCZPPXXX  
IBAN: CZ350100000788108660277  
Account No.: 78-8108660277 Bank code: 0100

Payment: payment order  
Invoice date: 25.01.2011  
Due date: 08.02.2011  
Date of a taxable supply: 25.01.2011

**INVOICE - TAX DOCUMENT No. 11VF00026**

Variable symbol: 1100026  
Constant Code: 0308  
Order No.: date:

Customer: Identif. number:

Pool & Spa Enclosures, LLC  
237 Prospect Plains Rd.  
Monroe Township, NJ 08831

United States

Receiver:

Description	Q'ty	Unit price	Discount	Price	%VAT	VAT	Total
Fakturuje Vam dodavku střešní hliníkové konstrukce - v rozloženém stavu							
We invoice you							
Aluminium roofing construction, type	1 ks	17,817.84		17,817.84	0%	0.00	17,817.84
Laguna 6731x14834x2743 mm,							
Client: Richard Joly							
Total amount				17,817.84		0.00	17,817.84
Rounding							0.16
<b>TOTAL DUE</b>				Currency EUR			<b>17,818.00</b>

goods is dismantled in parts  
1 coil  
Container: TOLU 477243-1  
Brutto: 2565 kg Netto: 2160 kg  
Country of origin: Czech Republic

Piněti je osvobozeno od DPH podle § 69 zákona o dani z přidané hodnoty s nárokem na odpočet daně.

Issuer: Jitka Staninová  
j.staninova@alukov.cz

**Alukov**  
ALUKOV HZ, spol. s r.o.  
Orel 18, 538 21 Slatiňany  
tel: +420 469 681 488 fax: +420 469 681 321  
IC: 64257746 IČ: 64257746  
Registration in CZK:

Foreigner exchange rate used:  
Quantity:

25.08 CZK  
1 EUR

Tax base in CZK	% VAT	VAT in CZK	Total in CZK
448 519.08	0%		
0.00	10%	0.00	0.00
0.00	20%	0.00	0.00

Recipient:

Official stamp:

Economic and information system POHODA



**Alukov HZ spol. s r.o.**

Supplier:  
Alukov HZ spol. s r.o.  
Orel 18  
538 21 Státníany  
Česko

Identif. number: 64257746  
Tax identity: CZ64257746

Telephone: 469 681 488  
Mobile phone: 602 141 969  
Fax: 469 681 488  
E-mail: alukov@alukov.cz  
www.alukov.cz

Issuing Bank: Komerční banka  
SWIFT: KOMBCZPPXXX  
IBAN: CZ3501000000788108660277  
Account No.: 78-8108660277 Bank code: 0100

Payment: payment order  
Invoice date: 03.02.2011  
Due date: 17.02.2011  
Date of a taxable supply: 03.02.2011

**INVOICE - TAX DOCUMENT No. 11VF00052**

Variable symbol: 1100052  
Constant Code: 0308  
Order No.: date

Customer: Identif. number:

Pool & Spa Enclosures, LLC  
237 Prospect Plains Rd.  
Monroe Township, NJ 08831

United States

Receiver:

Description	Q'ty	Unit price	Discount	Price	%VAT	VAT	Total
Fakturuje Vam dodávku střešní hliníkové konstrukce - v rozloženém stavu							
We invoice you							
Aluminium roofing construction, type	1 ks	12,881.43		12,881.43	0%	0.00	12,881.43
Universe 6731x14834x2311 mm, Client: Dave Lauck							
Total amount				12,881.43		0.00	12,881.43
Rounding							-0.43
TOTAL DUE				Currency EUR			12,881.00

goods is dismantled in parts  
1 coil  
Container: GATU 843382-9  
Brutto: 1935 kg Netto: 1555 kg  
Country of origin: Czech Republic

Plnění je osvobozeno od DPH podle § 66 zákona o dani z přidané hodnoty s nárokem na odpočet daně.

Issuer: Jitka Steninová  
j.steninova@alukov.cz



ALUKOV HZ, spol. s r.o.  
Orel 18, 538 21 Státníany  
tel: +420 469 681 488 fax: +420 469 681 321  
IC: 64257746 DIČ: CZ64257746  
www.alukov.cz

Foreigner exchange rate used:	24.23 CZK	Recepitulation in CZK:	Tax base in CZK	% VAT	VAT in CZK	Total in CZK
Quantity:	1 EUR		312 106.83	0%		
			0.00	10%	0.00	0.00
			0.00	20%	0.00	0.00

Recipient:

Official stamp:

Economic and Information system POHODA

Alukov HZ spol. s r.o.

Supplier:  
Alukov HZ spol. s r.o.  
Orl 18  
538 21 Státníhany  
Česko

Identif. number: 64257746  
Tax identity: CZ64257746

Telephone: 469 681 488  
Mobile phone: 602 141 989  
Fax: 469 681 488  
E-mail: alukov@alukov.cz  
www.alukov.cz

Issuing Bank: Komerční banka  
SWIFT: KOMBCZPPXXX  
IBAN: CZ3501000000788108860277  
Account No.: 78-8108860277 Bank code: 0100

Payment: payment order  
Invoice date: 03.02.2011  
Due date: 17.02.2011  
Date of a taxable supply: 03.02.2011

INVOICE - TAX DOCUMENT No. 11VF00059

Variable symbol: 1100059  
Constant Code: 0308  
Order No.: date

Customer: Identif. number:

Pool & Spa Enclosures, LLC  
237 Prospect Plains Rd.  
Monroe Township, NJ 08831

United States

Receiver:

Description	Q'ty	Unit price	Discount	Price	%VAT	VAT	Total
Fakturuje Vám dodávku střešní hliníkové konstrukce - v rozloženém stavu							
We invoice you							
Aluminium roofing construction, type	1 ks	17,704.55		17,704.55	0%	0.00	17,704.55
Laguna 6502x1483x2311 mm,							
Client: Hannah Jones							
Total amount				17,704.55		0.00	17,704.55
Rounding							0.45
TOTAL DUE					Currency EUR		17,705.00

goods is dismantled in parts  
1 colli  
Container: TRIU983327-4  
Brutto: 2350 kg Netto: 1985 kg  
Country of origin: Czech Republic

Plnění je osvobozeno od DPH podle § 66 zákona o dani z přidané hodnoty s nárokem na odpočet daně.

Issuer: Jitka Šlanínová  
j.slaninova@alukov.cz

**ALUKOV**  
ALUKOV HZ, spol. s r.o.  
Orl 18, 538 21 Státníhany  
tel: +420 469 681 488 fax: +420 469 681 321  
IC: 64257746 IČ: 64257746  
www.alukov.cz



Recapitulation in CZK:	Tax base in CZK	% VAT	VAT in CZK	Total in CZK
Foreigner exchange rate used: 24.23 CZK	428 992.15	0%		
Quantity: 1 EUR	0.00	10%	0.00	0.00
	0.00	20%	0.00	0.00

Recipient:

Official stamp:

Economic and information system POHODA

**Alukov HZ spol. s r.o.**

Supplier:  
Alukov HZ spol. s r.o.  
Orel 18  
538 21 Slatiňany  
Česko

Identif. number: 64257746  
Tax identity: CZ64257746

Telephone: 469 681 488  
Mobile phone: 602 141 989  
Fax: 469 681 488  
E-mail: alukov@alukov.cz  
www.alukov.cz

Issuing Bank: Komerční banka  
SWIFT: KOMBCZPPXXX  
IBAN: CZ3501000000788108660277  
Account No.: 78-8108660277

Bank code: 0100

**INVOICE - TAX DOCUMENT No. 11VF00098**

Variable symbol: 1100098  
Constant Code: 0308  
Order No.: date

Customer: Identif. number:

Pool & Spa Enclosures, LLC  
237 Prospect Plains Rd.  
Monroe Township, NJ 08831

United States

Payment: payment order  
Invoice date: 24.02.2011  
Due date: 10.03.2011  
Date of a taxable supply: 24.02.2011

Receiver:

Description	Q'ty	Unit price	Discount	Price	%VAT	VAT	Total
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Fakturujeme Vám dodávku střešní hliníkové konstrukce - v rozloženém stavu

We invoice you

Aluminium roofing construction, type  
Laguna 5869x10566x2311 mm,  
Client: Curtis & Denise Rogers

1 ks	10,660.33	10,660.33	0%	0.00	10,660.33
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Total amount	10,660.33	0.00	10,660.33
Rounding			-0.33
TOTAL DUE	Currency EUR		10,660.00

goods is dismantled in parts  
1 coil  
Container: TRLU814912-7  
Brutto: 1255 kg Netto: 960 kg  
Country of origin: Czech Republic

Plnění je osvobozeno od DPH podle § 69 zákona o dani z přidané hodnoty s nárokem na odpčet daně.

Issuer: Jitka Slaninová  
j.slavinova@alukov.cz

ALUKOV HZ spol. s r.o.  
Orel 18, 538 21 Slatiňany  
Česko  
Telefon: 469 681 488  
Fax: 469 681 488  
E-mail: alukov@alukov.cz  
www.alukov.cz

	Recapitulation in CZK:	Tax base in CZK	% VAT	VAT in CZK	Total in CZK
Foreigner exchange rate used:	24.23 CZK	258 291.80	0%		
Quantity:	1 EUR	0.00	10%	0.00	0.00
		0.00	20%	0.00	0.00

Recipient:

Official stamp:

Economic and Information system POHODA

**Alukov HZ spol. s r.o.**

Supplier:  
Alukov HZ spol. s r.o.  
Orel 18  
538 21 Slatiňany  
Česko

Identif. number: 64257746  
Tax identity: CZ64257746

Telephone: 469 681 488  
Mobile phone: 602 141 969  
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E-mail: alukov@alukov.cz  
www.alukov.cz

Issuing Bank: Komerční banka  
SWIFT: KOMBCZPPXXX  
IBAN: CZ350100000788108660277  
Account No.: 78-8108660277 Bank code: 0100

**INVOICE - TAX DOCUMENT No. 11VF00096**

Variable symbol: 1100096  
Constant Code: 0308  
Order No.: date

Customer, Identif. number:

Pool & Spa Enclosures, LLC  
237 Prospect Plains Rd.  
Monroe Township, NJ 08831

United States

Payment: payment order  
Invoice date: 24.02.2011  
Due date: 10.03.2011  
Date of a taxable supply: 24.02.2011

Receiver:

Description	Q'ty	Unit price	Discount	Price	%VAT	VAT	Total
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Fakturuje Vám dodávku střešní hliníkové konstrukce - v rozloženém stavu

We invoice you

Aluminium roofing construction, type	1 ks	13,243.00		13,243.00	0%	0.00	13,243.00
Laguna 6223x1284x2311 mm, Client: Tisch Charente							

Total amount	13,243.00	0.00	13,243.00
TOTAL DUE	Currency EUR		13,243.00

goods is dismantled in parts  
1 coll  
Container: SUDU 571607-0  
Brutto: 1470 kg Netto: 1150 kg  
Country of origin: Czech Republic

Plnění je osvobozeno od DPH podle § 66 zákona o dani z přidané hodnoty s nárokem na odpočet daně.

Issuer: Jilka Stanínová  
j.staninova@alukov.cz

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Orel 18, 538 21 Slatiňany  
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e-mail: alukov@alukov.cz  
www.alukov.cz

	Recapitulation in CZK:	Tax base in CZK	% VAT	VAT in CZK	Total in CZK
Foreigner exchange rate used:	24.23 CZK	320 877.89	0%		
Quantity:	1 EUR	0.00	10%	0.00	0.00
		0.00	20%	0.00	0.00

Recipient:

Official stamp:

Economic and information system POHODA

**Alukov HZ spol. s r.o.**

Supplier:  
**Alukov HZ spol. s r.o.**  
Orel 18  
538 21 Slatiňany  
Česko

Identif. number: 64257748  
Tax Identity: CZ64257748

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Issuing Bank: Komerční banka  
SWIFT: KOMBCZPPXXX  
IBAN: CZ3501000000788108660277  
Account No.: 78-8108660277 Bank code: 0100

**INVOICE - TAX DOCUMENT No. 11VF00114**

Variable symbol: 1100114  
Constant Code: 0308  
Order No.: date

Customer: Identif. number:

**Pool & Spa Enclosures, LLC**  
237 Prospect Plains Rd,  
Monroe Township, NJ 08831

**United States**

Payment: payment order  
Invoice date: 03.03.2011  
Due date: 17.03.2011  
Date of a taxable supply: 03.03.2011

Receiver:

Description	Q'ty	Unit price	Discount	Price	%VAT	VAT	Total
-------------	------	------------	----------	-------	------	-----	-------

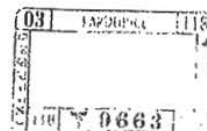
Fakturuje Vám dodávku střešní hliníkové konstrukce - v rozloženém stavu

We invoice you

Aluminium roofing construction, type	1 ks	14,073.57		14,073.57	0%	0.00	14,073.57
Universe 6223x14834x2184 mm, Client: Larry Brown							

Total amount	14,073.57	0.00	14,073.57
Rounding			0.43
<b>TOTAL DUE</b>	<b>Currency EUR</b>		<b>14,074.00</b>

goods is dismantled in parts  
1 coll  
Container: MSCU 798663-7  
Brutto: 2010 kg Netto: 1705 kg  
Country of origin: Czech Republic



Plnění je osvobozeno od DPH podle § 66 zákona o dani z přidané hodnoty s nárokem na odpočet daně.

Issuer: Jitka Štáňinová  
j.staninova@alukov.cz

	Recapitulation in CZK:	Tax base in CZK	% VAT	VAT in CZK	Total in CZK
Foreigner exchange rate used:	24.35 CZK	342 701,90	0%		
Quantity:	1 EUR	0,00	10%	0,00	0,00
		0,00	20%	0,00	0,00

Recipient:

Official stamp:

Economic and Information system POHODA

**Alukov HZ spol. s r.o.**

Supplier:  
Alukov HZ spol. s r.o.  
Orel 18  
538 21 Slatiňany  
Česko

Identif. number: 64257746  
Tax identity: CZ64257746

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Mobile phone: 602 141 969  
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E-mail: alukov@alukov.cz  
www.alukov.cz

Issuing Bank: Komerční banka  
SWIFT: KOMBCZPPXXX  
IBAN: CZ350100000788108660277  
Account No.: 78-8108660277 Bank code: 0100

**INVOICE - TAX DOCUMENT No. 11VF00180**

Variable symbol: 1100180  
Constant Code: 0308  
Order No.: date

Customer: Identif. number:

**Pool & Spa Enclosures, LLC**  
237 Prospect Plains Rd.  
Monroe Township, NJ 08831

**United States**

Payment: payment order  
Invoice date: 17.03.2011  
Due date: 31.03.2011  
Date of a taxable supply: 17.03.2011

Receiver:

Description	Q'ty	Unit price	Discount	Price	%VAT	VAT	Total
Fakturuje Vám dodávku střešní hliníkové konstrukce - v rozloženém stavu							
We invoice you							
Aluminium roofing construction, type	1 ks	17,257.34		17,257.34	0%	0.00	17,257.34
Laguna 6223x1483x2642 mm,							
Client: Joe Araujo							

Total amount	17,257.34	0.00	17,257.34
Rounding			-0.34
<b>TOTAL DUE</b>	<b>Currency EUR</b>		<b>17,257.00</b>

goods is dismantled in parts  
1 coil  
Container: HLXU 564598-2  
Brutto: 1645 kg Netto: 1325 kg  
Country of origin: Czech Republic

Plnění je osvobozeno od DPH podle § 65 zákona o dani z přidané hodnoty s nárokem na odpočet daně.

Issuer: Jitka Slaninová  
j.slavinova@alukov.cz

**Alukov**  
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e-mail: alukov@alukov.cz  
IČ: 64257746 DIČ: CZ64257746  
www.alukov.cz

	Recapitulation in CZK:	Tax base in CZK	% VAT	VAT in CZK	Total in CZK
Foreign exchange rate used:	24.35 CZK	420 207.95	0%		
Quantity:	1 EUR	0.00	10%	0.00	0.00
		0.00	20%	0.00	0.00

Recipient:

Official stamp:

Economic and information system POHODA



**Alukov HZ spol. s r.o.**

Supplier:  
Alukov HZ spol. s r.o.  
Orel 18  
538 21 Slatiňany  
Česko

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Mobile phone: 602 141 969  
Fax: 469 681 488  
E-mail: alukov@alukov.cz  
www.alukov.cz

Issuing Bank: Komerční banka  
SWIFT: KOMBCZPPXXX  
IBAN: CZ3501000000788108660277  
Account No.: 78-8108660277 Bank code: 0100

**INVOICE - TAX DOCUMENT No. 11VF00223**

Variable symbol: 1100223  
Constant Code: 0308  
Order No.: date

Customer: Identif. number:

Pool & Spa Enclosures, LLC  
237 Prospect Plains Rd.  
Monroe Township, NJ 08831

United States

Payment: payment order  
Invoice date: 23.03.2011  
Due date: 06.04.2011  
Date of a taxable supply: 23.03.2011

Receiver:

Description	Q'ty	Unit price	Discount	Price	%VAT	VAT	Total
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Fakturuje Vám dodávku střešní hliníkové konstrukce - v rozloženém stavu

We invoice you							
Aluminium roofing construction, type	1 ks	5,643.00		5,643.00	0%	0.00	5,643.00
Viva 2,076x12,295x0,914 m, Client: John De Neutville							
Aluminium roofing construction, type	1 ks	7,294.20		7,294.20	0%	0.00	7,294.20
Universe 5,231x10,665x2000 m, Client: Tony Vigna							

Total amount	12,937.20	0.00	12,937.20
Rounding			-0.20
<b>TOTAL DUE</b>	<b>Currency EUR</b>		<b>12,937.00</b>

goods is dismantled in parts  
2 coil  
Container: EISU994505-5  
Brutto: 1873 kg Netto: 1460 kg  
Country of origin: Czech Republic



Plnění je osvobozeno od DPH podle § 66 odst. 1 písm. a) zákona o DPH z přílohy, pokud je přidaná hodnota s nárokem na odpočet daně.

Issuer: Jitka Slanínová  
j.slavinova@alukov.cz  
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IC: 64257746 DIČ: CZ64257746  
www.alukov.cz

Recapitulation in CZK:		Tax base in CZK	% VAT	VAT in CZK	Total in CZK
Foreigner exchange rate used:	24.35 CZK	315 015,95	0%		
Quantity:	1 EUR	0.00	10%	0.00	0.00
		0.00	20%	0.00	0.00

Recipient: Official stamp:

Economic and Information system POHODA

**Alukov HZ spol. s r.o.**

Supplier:  
Alukov HZ spol. s r.o.  
Orel 18  
538 21 Slatiňany  
Česko

Identif. number: 64257746  
Tax Identity: CZ84257746

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Mobile phone: 602 141 969  
Fax: 469 681 488  
E-mail: alukov@alukov.cz  
www.alukov.cz

Issuing Bank: Komerční banka  
SWIFT: KOMBCZPPXXX  
IBAN: CZ3501000000788108660277  
Account No.: 78-8108660277 Bank code: 0100

Payment: payment order  
Invoice date: 24.03.2011  
Due date: 07.04.2011  
Date of a taxable supply: 24.03.2011

**INVOICE - TAX DOCUMENT No. 11VF00225**

Variable symbol: 1100225  
Constant Code: 0308  
Order No.: date

Customer: Identif. number:

Pool & Spa Enclosures, LLC  
237 Prospect Plains Rd.  
Monroe Township, NJ 08831

United States

Description	Q'ty	Unit price	Discount	Price	%VAT	VAT	Total
Fakturuje Vám dodávku střešní hliníkové konstrukce - v rozloženém stavu							
We invoice you							
Aluminium roofing construction, type Orlando d.4,00 m, Client: Dave Scholler	1 ks	3,100.00		3,100.00	0%	0.00	3,100.00
Aluminium roofing construction, type Universe V 8,242x12,648x2,200 m, Client: Joe Perez	1 ks	8,190.00		8,190.00	0%	0.00	8,190.00

Total amount 11,290.00 0.00 11,290.00  
TOTAL DUE Currency EUR 11,290.00

goods is dismantled in parts  
2 coll  
Container: GESU 6204388  
Brutto: 2100 kg Netto: 1650 kg  
Country of origin: Czech Republic

Plnění je osvobozeno od DPH podle § 65 zákona o dani z přidané hodnoty s nárokem na odpočet daně.

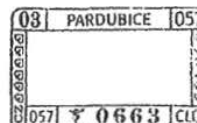
Issuer: Jitka Staninová  
j.staninova@alukov.cz  
Alukov HZ spol. s r.o.  
Orel 18 538 21 Slatiňany  
tel: +420 469 681 488 fax: +420 469 681 321  
e-mail: alukov@alukov.cz  
IČ: 64257746 Zr: 4257746

Recapitulation in CZK:	Tax base in CZK	% VAT	VAT in CZK	Total in CZK
Foreigner exchange rate used: 24.35 CZK	274 911.50	0%		
Quantity: 1 EUR	0.00	10%	0.00	0.00
	0.00	20%	0.00	0.00

Recipient:

Official stamp:

Economic and Information system POHODA



**Alukov HZ spol. s r.o.**

Supplier:  
**Alukov HZ spol. s r.o.**  
**Orel 18**  
**538 21 Slatiňany**  
**Česko**

Identif. number: 64257746  
Tax identity: CZ64257746

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Mobile phone: 602 141 989  
Fax: 469 681 488  
E-mail: alukov@alukov.cz  
www.alukov.cz

**INVOICE - TAX DOCUMENT No. 11VF00301**

Variable symbol: 1100301  
Constant Code: 0308  
Order No.: date

Customer: Identif. number:

**Pool & Spa Enclosures, LLC**  
**237 Prospect Plains Rd.**  
**Monroe Township, NJ 08831**

**United States**

Issuing Bank: Komerční banka  
SWIFT: KOMB CZPPXXX  
IBAN: CZ3501000000788108660277  
Account No.: 78-8108660277 Bank code: 0100

Payment: payment order  
Invoice date: 04.04.2011  
Due date: 18.04.2011  
Date of a taxable supply: 04.04.2011

Receiver:

Description	Qty	Unit price	Discount	Price	%VAT	VAT	Total
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Fakturujeme Vám dodávku střešní hliníkové konstrukce - v rozloženém stavu

We invoice you

Aluminium roofing construction, type	1 ks	14,082.82		14,082.82	0%	0.00	14,082.82
Laguna 5969x12675x2743 mm,							
Client: Greg Wilson							

Total amount	14,082.82	0.00	14,082.82
Rounding			0.18
<b>TOTAL DUE</b>	<b>Currency EUR</b>		<b>14,083.00</b>

goods is dismantled in parts  
3 colli  
Container: HLXU565842-3  
Brutto: 1947 kg Netto: 1625 kg  
Country of origin: Czech Republic  
INCOTERMS 2000: FCA Orel

Plnění je osvobozeno od DPH podle § 66 zákona o dani z přidané hodnoty s nárokem na odpočet daně.

Issuer: Jilka Staninová  
j.staninova@alukov.cz

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IC: 64257746  
www.alukov.cz

	Recapitulation in CZK:	Tax base in CZK	% VAT	VAT in CZK	Total in CZK
Foreigner exchange rate used:	24.54 CZK	345 596.82	0%		
Quantity:	1 EUR	0.00	10%	0.00	0.00
		0.00	20%	0.00	0.00

Recipient:

Official stamp:

Economic and information system POHODA

**Alukov HZ spol. s r.o.**

Supplier:  
Alukov HZ spol. s r.o.  
Orel 18  
538 21 Slatiňany  
Česko

Identif. number:: 64257746  
Tax identity: CZ64257746

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Mobile phone: 602 141 989  
Fax: 469 681 488  
E-mail: alukov@alukov.cz  
www.alukov.cz

Issuing Bank: Komerční banka  
SWIFT: KOMBCZPPXXX  
IBAN: CZ3501000000788108660277  
Account No.: 78-8108660277 Bank code: 0100

**INVOICE - TAX DOCUMENT No. 11VF00799**

Variable symbol: 1100799  
Constant Code: 0308  
Order No.: date

Customer: Identif. number:

Pool & Spa Enclosures, LLC  
237 Prospect Plains Rd.  
Monroe Township, NJ 08831

United States

Payment: payment order  
Invoice date: 02.06.2011  
Due date: 16.06.2011  
Date of a taxable supply: 02.06.2011

Receiver:

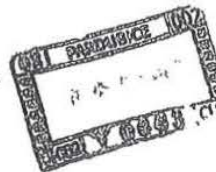
Description	Q'ty	Unit price	Discount	Price	%VAT	VAT	Total
Fakturuje Vám dodávku střešní hliníkové konstrukce - v rozloženém stavu							
We invoice you							
Aluminum roofing construction, type	1 ks	33,547.91		33,547.91	0%	0.00	33,547.91
Style 7214x1698x2743 mm, Client:							
Steve Jonel							

Total amount	33,547.91	0.00	33,547.91
Rounding			0.09
<b>TOTAL DUE</b>	Currency EUR		<b>33,548.00</b>

goods is dismantled in parts  
71 coil  
Container: SUDU 655809-3  
Brutto: 3395 kg Netto: 3380 kg  
Country of origin: Czech Republic

Plnění je osvobozeno od DPH podle § 66 zákona o dani z přidané hodnoty s nárokem na odpočet daně.

Issuer: Jitka Staninová  
j.staninova@alukov.cz



	Recapitulation in CZK:	Tax base in CZK	% VAT	VAT in CZK	Total in CZK
Foreigner exchange rate used:	24.54 CZK	823 287.82	0%		
Quantity:	1 EUR	0.00	10%	0.00	0.00
		0.00	20%	0.00	0.00

Recipient:

Official stamp:

Economic and information system POHODA

Alukov HZ spol. s r.o.

INVOICE - TAX DOCUMENT No. 11VF01025

Supplier:  
Alukov HZ spol. s r.o.  
Orel 18  
638 21 Slatiňany  
Česko

Variable symbol: 1101025  
Constant Code: 0308  
Order No.: date

Identif. number: 64257746  
Tax identity: CZ64257746

Customer: Identif. number:

Telephone: 469 681 488  
Mobile phone: 602 141 969  
Fax: 469 681 488  
E-mail: alukov@alukov.cz  
www.alukov.cz

Pool & Spa Enclosures, LLC  
237 Prospect Plains Rd.  
Monroe Township, NJ 08831

United States

Issuing Bank: Komerční banka  
SWIFT: KOMBCZPPXXX  
IBAN: CZ3501000000788108660277  
Account No.: 78-8108660277 Bank code: 0100

Payment: payment order  
Invoice date: 22.06.2011  
Due date: 08.07.2011  
Date of a taxable supply: 22.06.2011

Receiver:

Description	Q'ty	Unit price	Discount	Price	%VAT	VAT	Total
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Fakturuje Vám dodávku střešní hliníkové konstrukce - v rozloženém stavu

We invoice you

Aluminium roofing construction, type Universe combi 2743/4216x1580x1925 mm, Client: Marlin Schneider	1 ks	8,305.61		8,305.61	0%	0.00	8,305.61
Aluminium roofing construction, type Universe III 523x836x2007 mm, Client: Seaglass Pools	1 ks	6,000.00		6,000.00	0%	0.00	6,000.00

Total amount	14,305.61	0.00	14,305.61
Rounding			0.39
<b>TOTAL DUE</b>	<b>Currency EUR</b>		<b>14,306.00</b>

goods is dismantled in parts  
2 coll  
Container: KLFU181767-7  
Brutto: 2270 kg Netto: 1810 kg  
Country of origin: Czech Republic

Plnění je osvobozeno od DPH podle § 66 zákona o dani z přidané hodnoty s nárokem na odpočet daně

Issuer: Jitka Staninová  
j.staninova@alukov.cz

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IC: 64257745 DIK: 12264257745  
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	Recapitulation in CZK:	Tax base in CZK	% VAT	VAT in CZK	Total in CZK
Foreigner exchange rate used:	24.54 CZK	351 089.24	0%		
Quantity:	1 EUR	0.00	10%	0.00	0.00
		0.00	20%	0.00	0.00

Economic and Information system POHODA

Alukov HZ spol. s r.o.

INVOICE - TAX DOCUMENT No. 11VF01537

Supplier:  
Alukov HZ spol. s r.o.  
Orel 18  
538 21 Slatiňany  
Česko

Variable symbol: 1101537  
Constant Code: 0308  
Order No.: date

Identif. number: 64257746  
Tax identity: CZ64257746

Customer: Identif. number:

Telephone: 469 681 488  
Mobile phone: 602 141 969  
Fax: 469 681 488  
E-mail: alukov@alukov.cz  
www.alukov.cz

Pool & Spa Enclosures, LLC  
237 Prospect Plains Rd.  
Monroe Township, NJ 08831

Issuing Bank: Komerční banka  
SWIFT: KOMBCZPPXXX  
IBAN: CZ3501000000788108660277  
Account No.: 78-8108660277 Bank code: 0100

United States

Payment: payment order  
Invoice date: 04.08.2011  
Due date: 16.08.2011  
Date of a taxable supply: 04.08.2011

Receiver:

Description	Q'ty	Unit price	Discount	Price	%VAT	VAT	Total
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Fakturuje Vam dodávku střešní hliníkové konstrukce - v rozloženém stavu

We invoice you

Aluminium roofing construction, type  
Leguna 523x1483x2642 mm,  
Client: Steve Lappenga

1 ks	17,535.69		17,535.69	0%	0.00	17,535.69
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Total amount	17,535.69	0.00	17,535.69
Rounding			0.31
TOTAL DUE		Currency EUR	17,536.00

goods is dismantled in parts  
1 coll  
Container: TOLU477860-9  
Brutto: 1885 kg Netto: 1605 kg  
Country of origin: Czech Republic

Plnění je osvobozeno od DPH podle § 66 zákona o dani z přidané hodnoty s nárokem na odpočet daně.

Issuer: Jitka Slaninová  
j.slavinova@alukov.cz

Recapitulation in CZK:		Tax base in CZK	% VAT	VAT in CZK	Total in CZK
Foreigner exchange rate used:	24.19 CZK	424 195.84	0%		
Quantity:	1 EUR	0.00	10%	0.00	0.00
		0.00	20%	0.00	0.00

Recipient:

Official stamp:

Economic and information system POHODA

**Alukov HZ spol. s r.o.**

Supplier:  
Alukov HZ spol. s r.o.  
Orel 18  
538 21 Slatiňany  
Česko

Identif. number: 64257746  
Tax Identity: CZ64257746

Telephone: 469 681 488  
Mobile phone: 802 141 989  
Fax: 469 681 488  
E-mail: alukov@alukov.cz  
www.alukov.cz

Issuing Bank: Komerční banka  
SWIFT: KOMBCZPPXXX  
IBAN: CZ3501000000788108660277  
Account No.: 78-8108660277 Bank code: 0100

**INVOICE - TAX DOCUMENT No. 11VF02033**

Variable symbol: 1102033  
Constant Code: 0308  
Order No.: date

Customer: Identif. number:

Pool & Spa Enclosures, LLC  
237 Prospect Plains Rd.  
Monroe Township, NJ 08831

United States

Payment: payment order  
Invoice date: 21.10.2011  
Due date: 04.11.2011  
Date of a taxable supply: 21.10.2011

Receiver:

Description	Q'ty	Unit price	Discount	Price	%VAT	VAT	Total
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Fakturuje Vam dodávku střešní hliníkové konstrukce - v rozloženém stavu

We invoice you

Aluminium roofing construction, type Viva 2642x5029 mm, Client: Borge Steinsvik	1 ks	3,027.50		3,027.50	0%	0.00	3,027.50
Aluminium roofing construction, type Tropea 6400x14660x2286 mm, Client: T.W.Shih	1 ks	16,114.95		16,114.95	0%	0.00	16,114.95

Total amount	19,142.45	0.00	19,142.45
Rounding			-0.45
<b>TOTAL DUE</b>	<b>Currency EUR</b>		<b>19,142.00</b>

goods is dismantled in parts  
coll: 2  
Container: TCKU974961-8  
Brutto: 2380 kg Netto: 1935 kg  
Country of origin: Czech Republic

Plnění je osvobozeno od DPH podle § 68 zákona o daních z přidané hodnoty s nárokem na odpočet daně.

Issuer: Jitka Slaninová  
j.slavinova@alukov.cz

ALUKOV HZ  
Orel 18, 538 21  
538 21 Slatiňany  
642 57 746

	Reputation in CZK:	Tax base in CZK	% VAT	VAT in CZK	Total in CZK
Foreigner exchange rate used:	24.755 CZK	473 860.21	0%		
Quantity:	1 EUR	0.00	10%	0.00	0.00
		0.00	20%	0.00	0.00

Recipient:

Official stamp:

Economic and Information system POHODA

INVOICE - TAX DOCUMENT No. 11VF01998

Supplier:  
Alukov HZ spol. s r.o.  
Orel 18  
538 21 Slatiňany  
Česko

Identif. number:: 64257746  
Tax identity: CZ64257746

Telephone: 469 681 488  
Mobile phone: 802 141 969  
Fax: 469 681 488  
E-mail: [alukov@alukov.cz](mailto:alukov@alukov.cz)  
[www.alukov.cz](http://www.alukov.cz)

Variable symbol: 1101998  
Constant Code: 0308  
Order No.: date

Customer: Identif. number:

**Pool & Spa Enclosures , LLC**  
237 Prospect Plains Rd.  
Monroe Township, NJ 08831

United States

Issuing Bank: Komerční banka  
SWIFT: KOMBCZPPXXX  
IBAN: CZ350100000788108660277  
Account No.: 78-8108660277 Bank code: 0100

Payment:	payment order
Invoice date:	18.10.2011
Due date:	01.11.2011
Date of a taxable supply:	18.10.2011

Receiver:

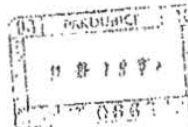
Description	Qty	Unit price	Discount	Price	%VAT	VAT	Total
Fakturuje me Vám dodávku střešní hliníkové konstrukce - v rozloženém stavu							
We invoice you							
Aluminium roofing construction , type universe + Veneza	1 ks	21,691.60		21,691.60	0%	0.00	21,691.60
7575x14388x3352 mm, Client: Domenic Gaziano							
Aluminium roofing construction , type Ortando d.4,00 m, Client: Anatoly Naret	1 ks	3,420.00		3,420.00	0%	0.00	3,420.00
Total amount				25,111.60		0.00	25,111.60
Rounding							0.40
<b>TOTAL DUE</b>				<b>Currency EUR</b>			<b>25,112.00</b>

goods is dismantled in parts  
coll: 82  
Container: OOLU8858879  
Brutto: 2890 kg Netto: 2715 kg  
Country of origin: Czech Republic

Plnění je osvobozeno od DPH podle § 66 zákona o dani z přidané hodnoty s nárokem na odpočet daně.

Issuer: Jitka Slaninová  
j.slainova@alukov.cz

ALL INFORMATION CONTAINED  
HEREIN IS UNCLASSIFIED  
DATE 10/20/2011 BY 60322  
U.S. DEPARTMENT OF JUSTICE  
FEDERAL BUREAU OF INVESTIGATION  
WASHINGTON, D.C. 20535



	Recapitulation in CZK:	Tax base in CZK	% VAT	VAT in CZK	Total in CZK
Foreigner exchange rate used:	24,755 CZK	621 847,58	0%		
Quantity:	1 EUR	0,00	10%	0,00	0,00
		0,00	20%	0,00	0,00

Economic and information system POHODA



**Alukov HZ spol. s r.o.**

Supplier:  
Alukov HZ spol. s r.o.  
Orel 18  
638 21 Slatiňany  
Česko

Identif. number: 64257746  
Tax identity: CZ84257746

Telephone: 469 681 488  
Mobile phone: 602 141 989  
Fax: 469 681 488  
E-mail: alukov@alukov.cz  
www.alukov.cz

Issuing Bank: Komerční banka  
SWIFT: KOMBCZPPXXX  
IBAN: CZ350100000788108660277  
Account No.: 78-8108660277 Bank code: 0100

**INVOICE - TAX DOCUMENT No. 11VF02094**

Variable symbol: 1102094  
Constant Code: 0308  
Order No.: date

Customer: Identif. number:

Pool & Spa Enclosures, LLC  
237 Prospect Plains Rd.  
Monroe Township, NJ 08831

United States

Payment: payment order  
Invoice date: 31.10.2011  
Due date: 14.11.2011  
Date of a taxable supply: 31.10.2011

Receiver:

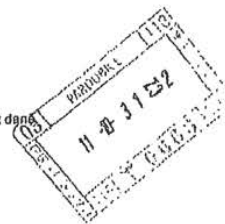
Description	Q'ty	Unit price	Discount	Price	%VAT	VAT	Total
Fakturuje Vám dodávku střešní hliníkové konstrukce - v rozloženém stavu							
We invoice you							
Aluminium roofing construction, type	1 ks	16,548.23		16,548.23	0%	0.00	16,548.23
Universe 7468x1473x2591 mm,							
Client: Shaul Kopelowitz							

Total amount	16,548.23	0.00	16,548.23
Rounding			-0.23
<b>TOTAL DUE</b>	<b>Currency EUR</b>		<b>16,548.00</b>

goods is dismantled in parts  
coll: 64  
Container: OOLU 837396-5  
Brutto: 2425 kg Netto: 2060 kg  
Country of origin: Czech Republic

Pinění je osvobozeno od DPH podle § 88 zákona o dani z přidané hodnoty s nárokem na odpočet daně

Issuer: Jitka Slaninová  
j.slantinova@alukov.cz



	Recapitulation in CZK:	Tax base in CZK	% VAT	VAT in CZK	Total in CZK
Foreigner exchange rate used:	24.755 CZK	409 845.74	0%		
Quantity:	1 EUR	0.00	10%	0.00	0.00
		0.00	20%	0.00	0.00

Recipient:

Official stamp:

Economic and information system POHODA

Alukov HZ spol. s r.o.

INVOICE - TAX DOCUMENT No. 11VF02059

Supplier:  
Alukov HZ spol. s r.o.  
Orel 18  
538 21 Slatiňany  
Česko

Identif. number: 64257748  
Tax Identity: CZ64257748

Telephone: 469 681 488  
Mobile phone: 602 141 969  
Fax: 469 681 488  
E-mail: alukov@alukov.cz  
www.alukov.cz

Issuing Bank: Komerční banka  
SWIFT: KOMBCZPPXXX  
IBAN: CZ3501000000788108660277  
Account No.: 78-8108660277 Bank code: 0100

Variable symbol: 1102059  
Constant Code: 0308  
Order No.: date

Customer: Identif. number:

Pool & Spa Enclosures, LLC  
237 Prospect Plains Rd.  
Monroe Township, NJ 08831

United States

Payment: payment order  
Invoice date: 27.10.2011  
Due date: 10.11.2011  
Date of a taxable supply: 27.10.2011

Receiver:

Description	Q'ty	Unit price	Discount	Price	%VAT	VAT	Total
Fakturuje Vám dodávku střešní hliníkové konstrukce - v rozloženém stavu							
We Invoice you							
Aluminium roofing construction, type	1 ks	20,228.02		20,228.02	0%	0.00	20,228.02
Tropica/Laguna 6731x14660 mm, Client: Mary Jane Powell							
Total amount				20,228.02		0.00	20,228.02
Rounding							-0.02
TOTAL DUE				Currency EUR			20,228.00

goods is dismantled in parts  
coll: 101  
Container: OOLU803305-5  
Brutto: 1685 kg Netto: 1670 kg  
Country of origin: Czech Republic

Plnění je osvobozeno od DPH podle § 65 zákona o dani z přidané hodnoty s nárokem na odpočet daně.

Issuer: Jitka Staninová  
j.staninova@alukov.cz

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fax: +420 469 681 488  
e-mail: alukov@alukov.cz  
www.alukov.cz

	Recapitulation in CZK:	Tax base in CZK	% VAT	VAT in CZK	Total in CZK
Foreign exchange rate used:	24,755 CZK	500 744,14	0%		
Quantity:	1 EUR	0,00	10%	0,00	0,00
		0,00	20%	0,00	0,00

Recipient:

Official stamp:

Economic and information system POHODA

**Alukov HZ spol. s r.o.**

Supplier:  
Alukov HZ spol. s r.o.  
Oral 18  
538 21 Slatiňany  
Česko

Identif. number: 64257746  
Tax identity: CZ64257746

Telephone: 469 681 488  
Mobile phone: 602 141 969  
Fax: 469 681 488  
E-mail: alukov@alukov.cz  
www.alukov.cz

Issuing Bank: Komerční banka  
SWIFT: KOMBCZPPXXX  
IBAN: CZ350100000788108660277  
Account No.: 78-8108660277 Bank code: 0100

**INVOICE - TAX DOCUMENT No. 11VF02170**

Variable symbol: 1102170  
Constant Code: 0308  
Order No.: date

Customer: Identif. number:

Pool & Spa Enclosures, LLC  
237 Prospect Plains Rd.  
Monroe Township, NJ 08831

United States

Payment: payment order  
Invoice date: 07.11.2011  
Due date: 21.11.2011  
Date of a taxable supply: 07.11.2011

Receiver:

Description	Q'ty	Unit price	Discount	Price	%VAT	VAT	Total
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Fakturujeme Vám dodávku střešní hliníkové konstrukce - v rozloženém stavu

We invoice you

Aluminium roofing construction, type  
Universe V 6242x12648x2288 mm,  
Client: Annette McCarthy

1 ks

8,190.00

8,190.00

0%

0.00

8,190.00

Total amount	8,190.00	0.00	8,190.00
TOTAL DUE	Currency EUR		8,190.00

goods is dismantled in parts

coll: 1

Container: OOLU 933371-4

Brutto: 1665 kg Netto: 1325 kg

Country of origin: Czech Republic

Plnění je osvobozeno od DPH podle § 66 zákona o dani z přidané hodnoty s nárokem na odpočet daně.

Issuer: Jitka Slanínová  
j.slavinova@alukov.cz

ALUKOV HZ spol. s r.o.  
Oral 18  
538 21 Slatiňany  
Česko  
tel: +420 469 681 488  
fax: +420 469 681 488  
e-mail: alukov@alukov.cz  
www.alukov.cz

	Recapitulation in CZK:	Tax base in CZK	% VAT	VAT in CZK	Total in CZK
Foreigner exchange rate used:	24.8 CZK	203 112.00	0%		
Quantity:	1 EUR	0.00	10%	0.00	0.00
		0.00	20%	0.00	0.00

Recipient:

Official stamp:

Economic and information system POHODA

Alukov HZ spol. s r.o.

Supplier  
Alukov HZ spol. s r.o.  
Orel 18  
538 21 Slatiňany  
Česko

Identif. number: 64257746  
Tax identity: CZ64257746

Telephone: 469 681 488  
Mobile phone: 602 141 959  
Fax: 469 681 488  
E-mail: alukov@alukov.cz  
www.alukov.cz

Issuing Bank: Komerční banka  
SWIFT: KOMB CZPPXXX  
IBAN: CZ3501000000788108660277  
Account No.: 78-8108660277 Bank code: 0100

INVOICE - TAX DOCUMENT No. 11VF02000

Variable symbol: 1102000  
Constant Code: 0308  
Order No.: date

Customer: Identif. number:

Pool & Spa Enclosures, LLC  
237 Prospect Plains Rd.  
Monroe Township, NJ 08831

United States

Payment: payment order  
Invoice date: 18.10.2011  
Due date: 01.11.2011  
Date of a taxable supply: 18.10.2011

Receiver:

Description	Q'ty	Unit price	Discount	Price	%VAT	VAT	Total
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Fakturuje Vám dodávku střešní hliníkové konstrukce - v rozloženém stavu

We invoice you

Aluminium roofing construction, type Universe 7925x12560x2485 mm, Client: Jen Steinman	1 ks	15,618.87		15,618.87	0%	0.00	15,618.87
Aluminium roofing construction, type Orlando 4,00 m, Client: Bill Levesque	1 ks	3,420.00		3,420.00	0%	0.00	3,420.00

Total amount	19,038.87	0.00	19,038.87
Rounding			0.13
<b>TOTAL DUE</b>	<b>Currency EUR</b>		<b>19,039.00</b>

goods is dismantled in parts  
2 colli  
Container: OOLU 809121-5  
Brutto: 2655 kg Netto: 2105 kg  
Country of origin: Czech Republic

Plnění je osvobozeno od DPH podle § 65 zákona o dani z přidané hodnoty s nárokem na odpočet daně.

Issuer: Jitka Slaninová  
j.slavinova@alukov.cz

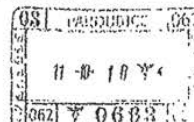
ALUKOV HZ spol. s r.o.  
Orel 18 538 21 Slatiňany  
tel: +420 469 681 488, fax: +420 469 681 321  
e-mail: alukov@alukov.cz, www.alukov.cz

Recapitulation in CZK:		Tax base in CZK	% VAT	VAT in CZK	Total in CZK
Foreigner exchange rate used:	24.755 CZK	471 310.46	0%		
Quantity:	1 EUR	0.00	10%	0.00	0.00
		0.00	20%	0.00	0.00

Recipient:

Official stamp:

Economic and information system POHODA



Alukov HZ spol. s r.o.

INVOICE - TAX DOCUMENT No. 11VF02168

Supplier:  
Alukov HZ spol. s r.o.  
Orel 18  
538 21 Slatňany  
Česko

Variable symbol: 1102168  
Constant Code: 0308  
Order No.: date

Identif. number: 64257746  
Tax Identity: CZ64257746

Customer: Identif. number:

Pool & Spa Enclosures, LLC  
237 Prospect Plains Rd.  
Monroe Township, NJ 08831

Telephone: 469 681 488  
Mobile phone: 602 141 969  
Fax: 469 681 488  
E-mail: alukov@alukov.cz  
www.alukov.cz

United States

Issuing Bank: Komerční banka  
SWIFT: KOMBCZPPXXX  
IBAN: CZ350100000788108660277  
Account No.: 78-8108660277 Bank code: 0100

Payment: payment order  
Invoice date: 07.11.2011  
Due date: 21.11.2011  
Date of a taxable supply: 07.11.2011

Receiver:

Description	Q'ty	Unit price	Discount	Price	%VAT	VAT	Total
Fakturuje Vam dodavku střešní hliníkové konstrukce - v rozloženém stavu							
We invoice you							
Aluminium roofing construction, type	1 ks	30,541.18		30,541.18	0%	0.00	30,541.18
Univerza 818x2086x2845 mm,							
Client: Hannah Kazak							
Total amount				30,541.18		0.00	30,541.18
Rounding							-0.18
TOTAL DUE				Currency EUR			30,541.00

goods is dismantled in parts  
coll: 143  
Container: TCKU985512-1  
Brutto: 3485 kg Netto: 3450 kg  
Country of origin: Czech Republic

Plnění je osvobozeno od DPH podle § 66 zákona o dani z přidané hodnoty s nárokem na odpočet daně.

Issuer: Jitka Staninová  
j.staninova@alukov.cz

Alukov HZ spol. s r.o.  
Orel 18  
538 21 Slatňany  
Česko  
IČ: 64257746  
DIČ: CZ64257746

	Recapitulation in CZK:	Tax base in CZK	% VAT	VAT in CZK	Total in CZK
Foreigner exchange rate used.	24.8 CZK	757 416.80	0%		
Quantity:	1 EUR	0.00	10%	0.00	0.00
		0.00	20%	0.00	0.00

Recipient:

Official stamp:

Economic and information system POHODA

**Alukov HZ spol. s r.o.**

Supplier:  
**Alukov HZ spol. s r.o.**  
Orel 18  
538 21 Slatiňany  
Česko

Identif. number: 64257746  
Tax Identity: CZ64257746

Telephone: 469 681 488  
Mobile phone: 602 141 969  
Fax: 469 681 488  
E-mail: alukov@alukov.cz  
www.alukov.cz

Issuing Bank: Komerční banka  
SWIFT: KOMB CZPP XXX  
IBAN: CZ350100000788108660277  
Account No.: 78-8108660277

Bank code: 0100

Payment: payment order  
Invoice date: 29.03.2012  
Due date: 12.04.2012  
Date of a taxable supply: 29.03.2012

**INVOICE - TAX DOCUMENT No. 12VF00213**

Variable symbol: 1200213  
Constant Code: 0308  
Order No.: date

Customer: Identif. number:

**Pool & Spa Enclosures, LLC**  
237 Prospect Plains Rd.  
Monroe Township, NJ 08831

**United States**

Description	Q'ty	Unit price	Discount	Price	%VAT	VAT	Total
-------------	------	------------	----------	-------	------	-----	-------

Fakturuje Vam dodávku střešní hliníkové konstrukce - v rozloženém stavu

We invoice you

Aluminium roofing construction, type	1 ks	28,624.51		28,624.51	0%	0.00	28,624.51
Style Grande 7696x16079x2692 mm,							
Client: Dale Harkins							

Total amount	28,624.51	0.00	28,624.51
Rounding			0.49
<b>TOTAL DUE</b>	<b>Currency EUR</b>		<b>28,625.00</b>

goods is dismantled in parts  
coll: 66

Brutto: 1479 kg Netto: 1475 kg  
Country of origin: Czech Republic  
INCOTERMS 2010: DAP Tuscola, TX 79562 USA

Plnění je osvobozeno od DPH podle § 68 zákona o dani z přidané hodnoty a nárokem na odpočet daně.

Issuer: Jitka Slaninová  
j.slavinova@alukov.cz

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Orel 18, 538 21 Slatiňany  
tel: +420 469 681 488, fax: +420 469 681 321  
e: 642 57 746, DIK: CZ64257746  
www.alukov.cz

	Recapitulation in CZK:	Tax base in CZK	% VAT	VAT in CZK	Total in CZK
Foreigner exchange rate used:	24.84 CZK	711 045.00	0%		
Quantity:	1 EUR	0.00	14%	0.00	0.00
		0.00	20%	0.00	0.00

Recipient:

Official stamp:

Economic and information system POHODA

Alukov HZ spol. s r.o.

INVOICE - TAX DOCUMENT No. 12VF00285

Supplier:  
Alukov HZ spol. s r.o.  
Orel 18  
538 21 Slatiňany  
Česko

Variable symbol: 1200285  
Constant Code: 0308  
Order No.: date

Identif. number: 64257746  
Tax Identity: CZ64257746

Customer: Identif. number:

Telephone: 469 681 488  
Mobile phone: 602 141 989  
Fax: 469 681 488  
E-mail: alukov@alukov.cz  
www.alukov.cz

Pool & Spa Enclosures, LLC  
237 Prospect Plains Rd.  
Monroe Township, NJ 08831

United States

Issuing Bank: Komerční banka  
SWIFT: KOMBCZPPXXX  
IBAN: CZ350100000788108680277  
Account No.: 78-8108660277

Bank code: 0100

Payment: payment order  
Invoice date: 12.04.2012  
Due date: 28.04.2012  
Date of a taxable supply: 12.04.2012

Receiver:

Description	Q'ty	Unit price	Discount	Price	%VAT	VAT	Total
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Fakturuje Vám dodávku střešní hliníkové konstrukce - v rozloženém stavu

We invoice you

Aluminium roofing construction, type Universe 3250x6420 mm, Client: Scott Richardson	1 ks	2,187.44		2,187.44	0%	0.00	2,187.44
Aluminium roofing construction, type Universe 5688x12848x2000 mm, Client: Harold Fehlbeg	1 ks	7,900.00		7,900.00	0%	0.00	7,900.00

Total amount	10,087.44	0.00	10,087.44
Rounding			-0.44
<b>TOTAL DUE</b>	<b>10,087.00</b>	<b>Currency EUR</b>	

goods is dismantled in parts  
coll: 2  
Container: CBHU827136-1  
Brutto: 2107 kg Netto: 1584 kg  
Country of origin: Czech Republic  
INCOTERMS 2010: CFR New York

Pinění je osvobozeno od DPH podle § 65 zákona o dani z přidané hodnoty a nárokem na odpočet daně.

Issuer: Jitka Slaninová  
j.slavinova@alukov.cz



Foreigner exchange rate used:  
Quantity: 1 EUR

ALUKOV HZ spol. s r.o.  
Orel 18, 538 21 Slatiňany  
tel: +420 469 681 488  
fax: +420 469 681 488  
e-mail: alukov@alukov.cz  
www.alukov.cz

Tax base in CZK	% VAT	VAT in CZK	Total in CZK
249 451,51	0%	0,00	249 451,51
0,00	14%	0,00	0,00
0,00	20%	0,00	0,00

Recipient:

Official stamp:



Economic and Information system POHODA

Alukov HZ spol. s r.o.

INVOICE - TAX DOCUMENT No. 12VF00287

Supplier:  
Alukov HZ spol. s r.o.  
Orel 18  
538 21 Slatiňany  
Česko

Variable symbol: 1200287  
Constant Code: 0308  
Order No.: date

Identif. number: 64257746  
Tax identity: CZ64257746

Customer: Identif. number:

Pool & Spa Enclosures, LLC  
237 Prospect Plains Rd.  
Monroe Township, NJ 08831

Telephone: 469 681 488  
Mobile phone: 602 141 969  
Fax: 469 681 488  
E-mail: alukov@alukov.cz  
www.alukov.cz

United States

Issuing Bank: Komerční banka  
SWIFT: KOMBCZPPXXX  
IBAN: CZ3501000000788108660277  
Account No.: 78-8108660277

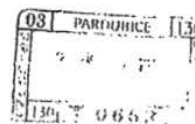
Bank code: 0100

Payment: payment order  
Invoice date: 12.04.2012  
Due date: 26.04.2012  
Date of a taxable supply: 12.04.2012

Receiver:

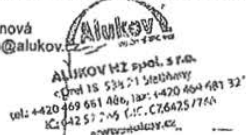
Description	Q'ty	Unit price	Discount	Price	%VAT	VAT	Total
Fakturuje Vám dodávku střešní hliníkové konstrukce - v rozloženém stavu							
We invoice you							
Aluminium roofing construction, type Universe 6231x10715x2250 mm, Client: Michael Jarvis	1 ks	6,450.00		6,450.00	0%	0.00	6,450.00
Aluminium roofing construction, type Spa Sunhouse 4000x6000x2300 mm, Client: Andrew Combs	1 ks	5,684.00		5,684.00	0%	0.00	5,684.00
Total amount				12,134.00		0.00	12,134.00
TOTAL DUE				Currency EUR			12,134.00

goods is dismantled in parts  
collis: 2  
Container: CBHU800449-4  
Brutto: 1877 kg Netto: 1370 kg  
Country of origin: Czech Republic  
INCOTERMS 2010: CFR New York



Plnění je osvobozeno od DPH podle § 68 zákona o dani z přidané hodnoty s nárokem na odpočet daně.

Issuer: Jitka Slaninová  
j.slavinova@alukov.cz



	Recapitulation in CZK:	Tax base in CZK	% VAT	VAT in CZK	Total in CZK
Foreigner exchange rate used:	24.73 CZK	300 073.82	0%		
Quantity:	1 EUR	0,00	14%	0,00	0,00
		0,00	20%	0,00	0,00

Recipient:

Official stamp:

Economic and information system POHODA



**Alukov HZ spol. s r.o.**

Supplier:  
Alukov HZ spol. s r.o.  
Orel 18  
538 21 Slatiňany  
Česko

Identif. number: 64257746  
Tax identity: CZ64257746

Telephone: 469 681 488  
Mobile phone: 602 141 969  
Fax: 469 681 488  
E-mail: alukov@alukov.cz  
www.alukov.cz

Issuing Bank: Komerční banka  
SWIFT: KOMBCZPPXXX  
IBAN: CZ3501000000788108660277  
Account No.: 78-8108660277 Bank code: 0100

**INVOICE - TAX DOCUMENT No. 12VF00345**

Variable symbol: 1200345  
Constant Code: 0308  
Order No.: date

Customer: Identif. number:

**Pool & Spa Enclosures, LLC**  
237 Prospect Plains Rd.  
Monroe Township, NJ 08831

**United States**

Payment: payment order  
Invoice date: 19.04.2012  
Due date: 03.05.2012  
Date of a taxable supply: 19.04.2012

Receiver:

Description	Q'ty	Unit price	Discount	Price	%VAT	VAT	Total
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Fakturuje Vám dodávku střešní hliníkové konstrukce - v rozloženém stavu

We invoice you

Aluminium roofing construction, type Orlando large d.5,00 m, Client: Susan Weaver	1 ks	4,940.00		4,940.00	0%	0.00	4,940.00
Aluminium roofing construction, type Universe Grande 8992x14834x3000 mm, Client: Michelle Knedler	1 ks	30,500.07		30,500.07	0%	0.00	30,500.07

Total amount	35,440.07	0.00	35,440.07
Rounding			-0.07
<b>TOTAL DUE</b>	<b>Currency EUR</b>		<b>35,440.00</b>

goods is dismantled in parts  
coll: 104  
Container: GVCU 513669-8  
Brutto: 3523 kg Netto: 3310 kg  
Country of origin: Czech Republic  
INCOTERMS 2010: CFR New York

Plnění je osvobozeno od DPH podle § 65 zákona o dani z přidané hodnoty a nárokem na odpočet daně.

Issuer: Jitka Slaninová  
j.slavinova@alukov.cz

**Alukov**  
ALUKOV HZ spol. s r.o.  
Orel 18 538 21 Slatiňany  
tel: +420 469 681 488 fax: +420 469 681 321  
IC: 64257746  
IČ: 64257746

Foreigner exchange rate used:  
Quantity:

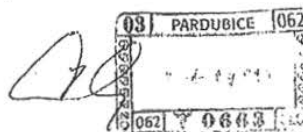
24.73 CZK  
1 EUR

Tax base in CZK	% VAT	VAT in CZK	Total in CZK
876 431.20	0%	0.00	0.00
0.00	14%	0.00	0.00
0.00	20%	0.00	0.00

Recipient:

Official stamp:

Economic and information system POHODA



**Alukov HZ spol. s r.o.**

Supplier:  
Alukov HZ spol. s r.o.  
Orel 18  
538 21 Slatiňany  
Česko

Identif. number: 64257746  
Tax identity: CZ84257746

Telephone: 469 681 488  
Mobile phone: 602 141 969  
Fax: 469 681 488  
E-mail: alukov@alukov.cz  
www.alukov.cz

Issuing Bank: Komerční banka  
SWIFT: KOMBCZPPXXX  
IBAN: CZ3501000000788108660277  
Account No.: 78-8108660277 Bank code: 0100

Payment: payment order  
Invoice date: 14.06.2012  
Due date: 28.06.2012  
Date of a taxable supply: 14.06.2012

**INVOICE - TAX DOCUMENT No. 12VF00888**

Variable symbol: 1200888  
Constant Code: 0308  
Order No.: date

Customer: Identif. number:

Pool & Spa Enclosures, LLC  
237 Prospect Plains Rd.  
Monroe Township, NJ 08831

United States

Receiver:

Description	Q'ty	Unit price	Discount	Price	%VAT	VAT	Total
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Fakturuje Vam dodávku střešní hliníkové konstrukce - v rozloženém stavu

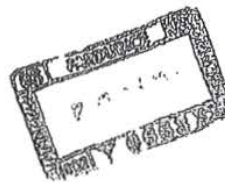
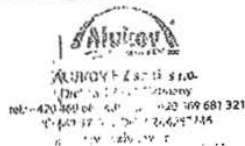
We invoice you							
Aluminium roofing construction, type	1 ks	9,450.00		9,450.00	0%	0.00	9,450.00
Universe 6248x1483x2265 mm,							
Client: Rose Wagner							

Total amount	9,450.00	0.00	9,450.00
TOTAL DUE	Currency EUR		9,450.00

goods is dismantled in parts  
coll: 1  
Container: KKFU757887-4  
Brutto: 1871 kg Netto: 1570 kg  
Country of origin: Czech Republic  
INCOTERMS 2010: DAP Milford, OH 45150

Plnění je osvobozeno od DPH podle § 68 zákona o dani z přidané hodnoty s nárokem na odpočet daně.

Issuer: Jilka Staninová  
j.staninova@alukov.cz



Recapitulation in CZK:		Tax base in CZK	% VAT	VAT in CZK	Total in CZK
Foreigner exchange rate used:	26.695 CZK	242 817,75	0%		
Quantity:	1 EUR	0,00	14%	0,00	0,00
		0,00	20%	0,00	0,00

Recipient:

Official stamp:

Economic and information system POHODA

Alukov HZ spol. s r.o.

INVOICE - TAX DOCUMENT No. 12VF00990

Supplier:  
Alukov HZ spol. s r.o.  
Orel 18  
538 21 Slatiňany  
Česko

Variable symbol: 1200990  
Constant Code: 0308  
Order No.: date

Identif. number: 64257746  
Tax identity: CZ64257746

Customer: Identif. number:

Telephone: 469 681 488  
Mobile phone: 602 141 969  
Fax: 469 681 488  
E-mail: alukov@alukov.cz  
www.alukov.cz

Pool & Spa Enclosures, LLC  
237 Prospect Plains Rd.  
Monroe Township, NJ 08831

Issuing Bank: Komerční banka  
SWIFT: KOMBCZPPXXX  
IBAN: CZ3501000000788108660277  
Account No.: 78-8108660277 Bank code: 0100

United States

Payment: payment order  
Invoice date: 21.08.2012  
Due date: 05.07.2012  
Date of a taxable supply: 21.06.2012

Receiver:

Description	Q'ty	Unit price	Discount	Price	%VAT	VAT	Total
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Fakturuje Vám dodávku střešní hliníkové konstrukce - v rozloženém stavu

We invoice you

Aluminium roofing construction, type Laguna 7214x17089x2743 mm, Client: Mike & Ellen Lebo	1 ks	22,922.50		22,922.50	0%	0.00	22,922.50
Aluminium roofing construction, type Oceanic 5258x12092x2591 mm, Client: John Troy	1 ks	15,794.90		15,794.90	0%	0.00	15,794.90

Total amount	38,717.40	0.00	38,717.40
Rounding			-0.40
TOTAL DUE	Currency EUR		38,717.00

goods is dismantled in parts  
coll: 143

Container: KKFU 744927-0

Brutto: 3898 kg Netto: 3883 kg

Country of origin: Czech Republic

INCOTERMS 2010: DAP Yadkinville, NC 27055 a Cedar Grove, NC 27231 USA

Pinění je osvobozeno od DPH podle § 68 zákona o dani z přidané hodnoty s nárokem na odpočet daně.

Issuer: Jitka Slaninová  
j.slantinova@alukov.cz

tel: +420 445 111 111  
fax: +420 445 111 112

Recapitulation in CZK:		Tax base in CZK	% VAT	VAT in CZK	Total in CZK
Foreigner exchange rate used:	25.695 CZK	994 633.32	0%		
Quantity:	1 EUR	0,00	14%	0,00	0,00
		0,00	20%	0,00	0,00

Recipient:

Official stamp:

Economic and Information system POHODA

Alukov HZ spol. s r.o.

INVOICE - TAX DOCUMENT No. 12VF00987

Supplier:  
Alukov HZ spol. s r.o.  
Orel 18  
538 21 Slatiňany  
Česko

Variable symbol: 1200987  
Constant Code: 0308  
Order No.: date:

Identif. number: 64257746  
Tax identity: CZ64257746

Customer: Identif. number:

Pool & Spa Enclosures, LLC  
237 Prospect Plains Rd.  
Monroe Township, NJ 08831

Telephone: 469 681 488  
Mobile phone: 802 141 989  
Fax: 469 681 488  
E-mail: alukov@alukov.cz  
www.alukov.cz

United States

Issuing Bank: Komerční banka  
SWIFT: KOMBCZPPXXX  
IBAN: CZ3501000000788108660277  
Account No.: 78-8108660277 Bank code: 0100

Payment: payment order  
Invoice date: 21.08.2012  
Due date: 05.07.2012  
Date of a taxable supply: 21.08.2012

Receiver:

Description	Q'ty	Unit price	Discount	Price	%VAT	VAT	Total
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Fakturuje Vám dodávku střešní hliníkové konstrukce - v rozloženém stavu

We invoice you

Aluminium roofing construction, type Imperia 388x843x1219 mm, Client: Gary La Point	1 ks	6,499.99		6,499.99	0%	0.00	6,499.99
Aluminium roofing construction, type Universe T2 425x854x1300 mm, Client: Nick Morosky	1 ks	3,200.00		3,200.00	0%	0.00	3,200.00

Total amount	9,699.99	0.00	9,699.99
Rounding			0.01
TOTAL DUE	Currency EUR		9,700.00

goods is dismantled in parts  
coll: 2

Container: KKFU 772778-8

Brutto: 1646 kg Netto: 1276 kg

Country of origin: Czech Republic

INCOTERMS 2010: CFR New York

Plnění je osvobozeno od DPH podle § 66 zákona o dani z přidané hodnoty s nárokem na odpočet daně.

Issuer: Jitka Staninová  
j.staninova@alukov.cz

ALUKOV HZ spol. s r.o.  
Orel 18  
538 21 Slatiňany  
Česko  
tel: 469 681 488  
fax: 469 681 488  
e-mail: alukov@alukov.cz  
www.alukov.cz

	Recapitulation in CZK:	Tax base in CZK	% VAT	VAT in CZK	Total in CZK
Foreigner exchange rate used:	25.695 CZK	249 241,50	0%		
Quantity:	1 EUR	0,00	14%	0,00	0,00
		0,00	20%	0,00	0,00

Recipient:

Official stamp:

Economic and information system POHODA

**Alukov HZ spol. s r.o.**

Supplier:  
Alukov HZ spol. s r.o.  
Orel 18  
538 21 Slatiňany  
Česko

Identif. number: 04257746  
Tax identity: CZ64257746

Telephone: 469 681 488  
Mobile phone: 602 141 969  
Fax: 469 681 488  
E-mail: alukov@alukov.cz  
www.alukov.cz

Issuing Bank: Komerční banka  
SWIFT: KOMBCZPPXXX  
IBAN: CZ350100000788108860277  
Account No.: 78-810860277 Bank code: 0100

Payment: payment order  
Invoice date: 12.07.2012  
Due date: 26.07.2012  
Date of a taxable supply: 12.07.2012

**INVOICE - TAX DOCUMENT No. 12VF01198**

Variable symbol: 1201198  
Constant Code: 0308  
Order No.: date

Customer: Identif. number:

Pool & Spa Enclosures, LLC  
237 Prospect Plains Rd.  
Monroe Township, NJ 08831

United States

Description	Q'ty	Unit price	Discount	Price	%VAT	VAT	Total
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Fakturuje Vam dodávku střešní hliníkové konstrukce - v rozloženém stavu

We invoice you

Aluminium roofing construction, type	1 ks	19,351.92		19,351.92	0%	0.00	19,351.92
Universe 7214x18770x2591 mm,							
Client: George Grossberg							

Total amount	19,351.92	0.00	19,351.92
Rounding			0.08
TOTAL DUE	Currency EUR		19,352.00

goods is dismantled in parts

coll: 1

Container: GATU 829279-9

Brutto: 2802 kg Netto: 2392 kg

Country of origin: Czech Republic

INCOTERMS 2010: CFR New York

Pinění je osvobozeno od DPH podle § 66 zákona o daní z přidané hodnoty s nárokem na odpočet daně.

Issuer: Jitka Slaninová  
j.slavinova@alukov.cz



ALUKOV HZ spol. s r.o.  
Orel 18 538 21 Slatiňany  
tel: 4420/469 681 488, fax: 4420/469 681 321  
IČ: 642 57 774, DIČ: CZ64257746  
www.alukov.cz

	Recapitulation in CZK:	Tax base in CZK	% VAT	VAT in CZK	Total in CZK
Foreigner exchange rate used:	25.64 CZK	496 185.28	0%		
Quantity:	1 EUR	0.00	14%	0.00	0.00
		0.00	20%	0.00	0.00

Recipient:

Official stamp:

Economic and information system POHODA

**Alukov HZ spol. s r.o.**

Supplier:  
Alukov HZ spol. s r.o.  
Orel 18  
538 21 Slatiňany  
Česko

Identif. number: 64257746  
Tax identity: CZ64257746

Telephone: 469 681 488  
Fax: 469 681 321  
E-mail: alukov@alukov.cz  
www.alukov.cz

**INVOICE - TAX DOCUMENT No. 12VF01766**

Variable symbol: 1201766  
Constant Code: 0308  
Order No.: date

Customer: Identif. number:

Pool & Spa Enclosures, LLC  
237 Prospect Plains Rd.  
Monroe Township, NJ 08831

United States

Issuing Bank: Komerční banka  
SWIFT: KOMB CZPPXXX  
IBAN: CZ3501000000788108660277  
Account No.: 78-8108660277 Bank code: 0100

Payment: payment order  
Invoice date: 27.09.2012  
Due date: 11.10.2012  
Date of a taxable supply: 27.09.2012

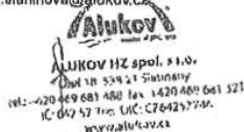
Receiver:

Description	Q'ty	Unit price	Discount	Price	%VAT	VAT	Total
Fakturuje Vám dodávku střešní hliníkové konstrukce - v rozloženém stavu							
We invoice you							
Aluminium roofing construction, type	1 ks	15,706.67		15,706.67	0%	0.00	15,706.67
Trapez 6,903x10,959x2,340 m,							
Client: Carlton McClary							
Total amount				15,706.67		0.00	15,706.67
Rounding							0.33
<b>TOTAL DUE</b>						Currency EUR	<b>15,707.00</b>

goods is dismantled in parts  
coll: 1  
Container: TCLU 824785-0  
Brutto: 1717 kg Netto: 1372 kg  
Country of origin: Czech Republic  
INCOTERMS 2010: CFR New York USA

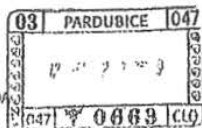
Plnění je osvobozeno od DPH podle § 88 zákona o dani z přidané hodnoty s nárokem na odpočet daně.

Issuer: Jitka Staninová  
j.staninova@alukov.cz



	Recapitulation in CZK:	Tax base in CZK	% VAT	VAT in CZK	Total in CZK
Foreigner exchange rate used:	24.84 CZK	390 161.88	0%		
Quantity:	1 EUR	0.00	14%	0.00	0.00
		0.00	20%	0.00	0.00

Recipient:



Official stamp:

Economic and information system POHODA

**Alukov HZ spol. s r.o.**

Supplier:  
Alukov HZ spol. s r.o.  
Orel 18  
538 21 Slatiňany  
Česko

Identif. number: 64257746  
Tax identity: CZ64257746

Telephone: 469 681 488  
Fax: 469 681 321  
E-mail: alukov@alukov.cz  
www.alukov.cz

**INVOICE - TAX DOCUMENT No. 12VF01764**

Variable symbol: 1201764  
Constant Code: 0308  
Order No.: date

Customer: Identif. number:

Pool & Spa Enclosures, LLC  
237 Prospect Plains Rd.  
Monroe Township, NJ 08831

United States

Issuing Bank: Komerční banka  
SWIFT: KOMBCZPPXXX  
IBAN: CZ3501000000788108660277  
Account No.: 78-8108660277 Bank code: 0100

Payment: payment order  
Invoice date: 27.09.2012  
Due date: 11.10.2012  
Date of a taxable supply: 27.09.2012  
Receiver:

Description	Q'ty	Unit price	Discount	Price	%VAT	VAT	Total
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Fakturuje Vám dodávku střešní hliníkové konstrukce - v rozloženém stavu

We invoice you

Aluminium roofing construction, type	1 ks	12,902.61		12,902.61	0%	0.00	12,902.61
Universe 5,503x14,660x2,438 m, Client: Dennis Gallant							
Aluminium roofing construction parts, Client: Richardson	1	291.06		291.06	0%	0.00	291.06
Aluminium roofing construction parts, Client: Duncombe	1	2,350.00		2,350.00	0%	0.00	2,350.00

Total amount	15,543.67	0.00	15,543.67
Rounding			0.33
<b>TOTAL DUE</b>	<b>Currency EUR</b>		<b>15,544.00</b>

goods is dismantled in parts

coll: 7

Container: KKFU725892-6

Brutto: 2327 kg Netto: 1764 kg

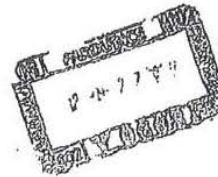
Country of origin: Czech Republic

INCOTERMS 2010: CFR New York USA

Plnění je osvobozeno od DPH podle § 66 zákona o dani z přidané hodnoty s nárokem na odpočet daně.

Issuer: Jitka Slaninová  
j.slavinova@alukov.cz

**Alukov**  
Alukov HZ spol. s r.o.  
Orel 18 538 21 Slatiňany  
tel: +420 469 681 488, fax: +420 469 681 321  
IC: 64257746, DIČ: CZ64257746  
Výše v Kč: 15 544,00



Foreign exchange rate used:	Quantity:	24.84 CZK	1 EUR	Tax base in CZK	% VAT	VAT in CZK	Total in CZK
				388 112.96	0%		
				0,00	14%	0,00	0,00
				0,00	20%	0,00	0,00

Recipient:

Official stamp:

Economic and information system POHODA

**Alukov HZ spol. s r.o.**

Supplier:  
Alukov HZ spol. s r.o.  
Orel 18  
538 21 Slatiňany  
Česko

Identif. number: 64257746  
Tax identity: CZ64257746

Telephone: 469 681 488  
Fax: 469 681 321  
E-mail: alukov@alukov.cz  
www.alukov.cz

**INVOICE - TAX DOCUMENT No. 12VF01818**

Variable symbol: 1201818  
Constant Code: 0308  
Order No.: date

Customer: Identif. number:

Pool & Spa Enclosures, LLC  
237 Prospect Plains Rd.  
Monroe Township, NJ 08831

United States

Issuing Bank: Komerční banka  
SWIFT: KOMB CZPPXXX  
IBAN: CZ3501000000788108660277  
Account No.: 78-8108660277 Bank code: 0100

Payment: payment order  
Invoice date: 04.10.2012  
Due date: 18.10.2012  
Date of a taxable supply: 04.10.2012

Receiver:

Description	Q'ty	Unit price	Discount	Price	%VAT	VAT	Total
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Fakturuje Vám dodávku střešní hliníkové konstrukce - v rozloženém stavu

We invoice you

Aluminum roofing construction, type Laguna 6096x10566x2743 mm, Client: TIM McLaughlin	1 ks	15,792.91		15,792.91	0%	0.00	15,792.91
Aluminum roofing construction, type Laguna 6223x8433x2591 mm, Client: Shea & Jason Pence	1 ks	10,694.61		10,694.61	0%	0.00	10,694.61

Total amount	26,487.52	0.00	26,487.52
Rounding			0.48
<b>TOTAL DUE</b>	<b>26,488.00</b>	<b>Currency EUR</b>	

goods is dismantled in parts  
coll: 102

Container: GESU507445-9

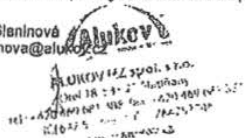
Brutto: 2503 kg Netto: 2484 kg

Country of origin: Czech Republic

INCOTERMS 2010: DAP Charlottesville a Maurer Town VA 22903 USA

Plnění je osvobozeno od DPH podle § 66 zákona o dani z přidané hodnoty s nárokem na odpočet daní.

Issuer: Jitka Staninová  
j.staninova@alukov.cz



Recapitulation in CZK:		Tax base in CZK	% VAT	VAT in CZK	Total in CZK
Foreigner exchange rate used:	24.865 CZK	658 624,12	0%		
Quantity:	1 EUR	0,00	14%	0,00	0,00
		0,00	20%	0,00	0,00

Recipient:

Official stamp:

Economic and information system POHODA



**Alukov HZ spol. s r.o.**

Supplier:  
Alukov HZ spol. s r.o.  
Orel 18  
538 21 Slatiňany  
Česko

Identif. number: 64257746  
Tax identity: CZ64257746

Telephone: 469 881 488  
Fax: 469 881 321  
E-mail: alukov@alukov.cz  
www.alukov.cz

**INVOICE - TAX DOCUMENT No. 12VF01889**

Variable symbol: 1201889  
Constant Code: 0308  
Order No.: date

Customer: Identif. number:

Pool & Spa Enclosures, LLC  
237 Prospect Plains Rd.  
Monroe Township, NJ 08831

United States

Issuing Bank: Komerční banka  
SWIFT: KOMBCZPPXXX  
IBAN: CZ350100000788108660277  
Account No.: 78-8108660277 Bank code: 0100

Payment: payment order  
Invoice date: 11.10.2012  
Due date: 25.10.2012  
Date of a taxable supply: 11.10.2012

Receiver:

Description	Q'ty	Unit price	Discount	Price	%VAT	VAT	Total
-------------	------	------------	----------	-------	------	-----	-------

Fakturujeeme Vám dodávku střešní hliníkové konstrukce - v rozloženém stavu

We invoice you

Aluminium roofing construction, type

Venezia 3859x12598x2286 mm,

Client: Phil Fischer

Aluminium roofing construction, type

Universe 4250x8542x1300 mm,

Client: Jeff Moskow

Total amount				15,391.71		0.00	15,391.71
Rounding							0.29
<b>TOTAL DUE</b>					<b>Currency EUR</b>		<b>15,392.00</b>

goods is dismantled in parts

coll: 2

Container: TRLU538677-9

Brutto: 2267 kg Netto: 1868 kg

Country of origin: Czech Republic

INCOTERMS 2010: CFR New York USA

Plnění je osvobozeno od DPH podle § 66 zákona o daní z přidané hodnoty s nárokem na odpočet daně.


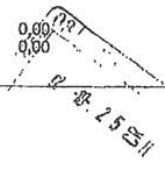
Issuer: Jitka Slaninová  
j.slantinova@alukov.cz

	Recapitulation in CZK:	Tax base in CZK	% VAT	VAT in CZK	Total in CZK
Foreigner exchange rate used:	24.865 CZK	382 722.08	0%		
Quantity:	1 EUR	0.00	14%	0.00	0.00
		0.00	20%	0.00	0.00

Recipient:

Official stamp:

Economic and information system POHODA

ALUKOV HZ spol. s r.o.		INVOICE - TAX DOCUMENT No. 12VF02014					
ALUKOV HZ spol. s r.o. Právní 18 538 21 Slatiňany Česko  Identif. number: 64257746 Tax identity: CZ64257746  Telephone: 469 681 488 Fax: 469 681 321 E-mail: alukov@alukov.cz www.alukov.cz		Variable symbol: 1202014 Constant Code: 0308 Order No.: date  Customer: Identif. number:  <b>Pool &amp; Spa Enclosures, LLC</b> <b>237 Prospect Plains Rd.</b> <b>Monroe Township, NJ 08831</b>  <b>United States</b>					
Issuing Bank: Komerční banka SWIFT: KOMBCZPPXXX IBAN: CZ3501000000788108660277 Account No.: 78-8108660277 Bank code: 0100		Receiver:					
Payment: payment order Invoice date: 25.10.2012 Due date: 08.11.2012 Date of a taxable supply: 25.10.2012							
Description	Q'ty	Unit price	Discount	Price	%VAT	VAT	Total
Fakturujeme Vám dodávku střešní hliníkové konstrukce - v rozloženém stavu  We invoice you Aluminium roofing construction, type Style 6692x12549x2845 mm, Client: Derek Royse							
	1 ks	21,769.97		21,769.97	0%	0.00	21,769.97
Total amount				21,769.97		0.00	21,769.97
Rounding							0.03
TOTAL DUE				Currency EUR			21,770.00
goods is dismantled in parts colli: 1 Container: INKU 634699-1 Brutto: 2079 kg Netto: 1699 kg Country of origin: Czech Republic INCOTERMS 2010: DAP Noble IL 62868 USA  Plnění je osvobozeno od DPH podle § 66 zákona o dani z přidané hodnoty s nárokem na odpočet daně.							
Issuer: Jitka Slatinová j.slatinova@alukov.cz  <b>ALUKOV HZ, spol. s r.o.</b> Právní 18, 538 21 Slatiňany tel: +420 469 681 488, fax: +420 469 681 321 IČ: 64257746, DIČ: CZ64257746 www.alukov.cz							
Recapitulation in CZK:		Tax base in CZK	% VAT	VAT in CZK	Total in CZK		
Foreigner exchange rate used:	24.865 CZK	541 311.05	0%				
Quantity:	1 EUR	0.00	14%	0.00	0.00		
		0.00	20%	0.00	0.00		
Recipient:		Official stamp:					
Economic and Information system POHODA <div style="text-align: right; margin-top: 20px;">  </div>							

Alukov HZ spol. s r.o.

INVOICE - TAX DOCUMENT No. 12VF02218

Supplier: <b>Alukov HZ spol. s r.o.</b> <b>Orel 18</b> <b>538 21 Slatiňany</b> <b>Česko</b>  Identif. number: 64257746 Tax identity: CZ64257746  Telephone: 469 681 488 Fax: 469 681 321 E-mail: alukov@alukov.cz www.alukov.cz		Variable symbol: 1202218 Constant Code: 0308 Order No.: date  Customer: Identif. number:  <b>Pool &amp; Spa Enclosures, LLC</b> <b>237 Prospect Plains Rd.</b> <b>Monroe Township, NJ 08831</b>  <b>United States</b>
Issuing Bank: Komerční banka SWIFT: KOMBCZPPXXX IBAN: CZ3501000000788108660277 Account No.: 78-8108660277 Bank code: 0100		
Payment: payment order Invoice date: 22.11.2012 Due date: 06.12.2012 Date of a taxable supply: 22.11.2012		Receiver:

Description	Q'ty	Unit price	Discount	Price	%VAT	VAT	Total
Fakturuje Vám dodávku střešní hliníkové konstrukce - v rozloženém stavu							
We invoice you							
Aluminium roofing construction, type Universe II 5231x10665x2000 mm, Client: Nilima Jayaraman	1 ks	6,000.00		6,000.00	0%	0.00	6,000.00
Aluminium roofing construction, type Laguna 4191x8433x2266 mm, Client: Janis & Robert Melsker	1 ks	8,300.20		8,300.20	0%	0.00	8,300.20
Total amount				14,300.20		0.00	14,300.20
Rounding							-0.20
<b>TOTAL DUE</b>				Currency EUR			<b>14,300.00</b>

goods is dismantled in parts  
 coll: 2  
 Container: YMLU821541-5  
 Brutto: 2201 kg Netto: 1743 kg  
 Country of origin: Czech Republic  
 INCOTERMS 2010: CFR New York USA

Pinění je osvobozeno od DPH podle § 66 zákona o dani z přidané hodnoty s nárokem na odpočet daně.

Issuer: Jitka Slaninová  
 j.slavinova@alukov.cz



Foreigner exchange rate used:	25.085 CZK	Tax base in CZK:	358 429,50	% VAT	0%	VAT in CZK	Total in CZK
Quantity:	1 EUR		0,00	14%		0,00	0,00
			0,00	20%		0,00	0,00

Recipient:

Official stamp:

Economic and information system POHODA

Alukov HZ spol. s r.o.

INVOICE - TAX DOCUMENT No. 12VF02347

Supplier:  
Alukov HZ spol. s r.o.  
Orel 18  
538 21 Slatiňany  
Česko

Identif. number: 64257746  
Tax Identity: CZ64257746

Telephone: 469 681 488  
Fax: 469 681 321  
E-mail: alukov@alukov.cz  
www.alukov.cz

Variable symbol: 1202347  
Constant Code: 0308  
Order No.: date

Customer: Identif. number:

Pool & Spa Enclosures, LLC  
237 Prospect Plains Rd.  
Monroe Township, NJ 08831

United States

Issuing Bank: Komerční banka  
SWIFT: KOMBCZPPXXX  
IBAN: CZ3501000000788108660277  
Account No.: 78-8108660277 Bank code: 0100

Payment: payment order  
Invoice date: 07.12.2012  
Due date: 21.12.2012  
Date of a taxable supply: 07.12.2012

Receiver:

Description	Q'ty	Unit price	Discount	Price	%VAT	VAT	Total
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Fakturuje Vám dodávku střešní hliníkové konstrukce - v rozloženém stavu

We invoice you							
Aluminium roofing construction, type	1 ks	9,072.50		9,072.50	0%	0.00	9,072.50
Laguna 5715x8433x2286 mm, Client:							
Cynthia Johnson							

Total amount	9,072.50	0.00	9,072.50
Rounding			0.50
TOTAL DUE	Currency EUR		9,073.00

goods is dismantled in parts  
coll: 1  
Container: APHU663217-7  
Brutto: 1042 kg Netto: 795 kg  
Country of origin: Czech Republic  
INCOTERMS 2010: CFR New York USA

Plnění je osvobozeno od DPH podle § 66 zákona o dani z přidané hodnoty s nárokem na odpčet daní

Issuer: Jitka Slaninová  
j.slantinova@alukov.cz



ALUKOV HZ spol. s r.o.  
Orel 18, 538 21 Slatiňany  
tel.: +420 469 681 488, fax: +420 469 681 321  
e-mail: alukov@alukov.cz

	Recapitulation in CZK:	Tax base in CZK	% VAT	VAT in CZK	Total in CZK
Foreigner exchange rate used:	25.26 CZK	229 183.98	0%		
Quantity:	1 EUR	0.00	14%	0.00	0.00
		0.00	20%	0.00	0.00

Recipient:

Official stamp:

Economic and Information system POHODA

**Alukov HZ spol. s r.o.**

Supplier:  
Alukov HZ spol. s r.o.  
Orel 18  
538 21 Slatiňany  
Česko

Identif. number: 64257748  
Tax identity: CZ64257748

Telephone: 469 681 488  
Fax: 469 681 321  
E-mail: alukov@alukov.cz  
www.alukov.cz

**INVOICE - TAX DOCUMENT No. 12VF02396**

Variable symbol: 1202396  
Constant Code: 0308  
Order No.: date

Customer: Identif. number:

Pool & Spa Enclosures, LLC  
237 Prospect Plains Rd.  
Monroe Township, NJ 08831

United States

Issuing Bank: Komerční banka  
SWIFT: KOMBICZPPXXX  
IBAN: CZ3501000000788108660277  
Account No.: 78-8108660277 Bank code: 0100

Payment: payment order  
Invoice date: 13.12.2012  
Due date: 27.12.2012  
Date of a taxable supply: 13.12.2012

Receiver:

Description	Q'ty	Unit price	Discount	Price	%VAT	VAT	Total
Fakturuje Vám dodávku střešní hliníkové konstrukce - v rozloženém stavu							
We Invoice you Aluminum roofing construction, type Laguna 6,731x12,589x2,743 m, Client: Kary Reinko	1 ks	15,669.89		15,669.89	0%	0.00	15,669.89

Total amount	15,669.89	0.00	15,669.89
Rounding			0.11
<b>TOTAL DUE</b>	Currency EUR		<b>15,670.00</b>

goods is dismantled in parts  
coll: 1

Container: GRIU 520233-9  
Brutto: 1540 kg Netto: 1246 kg  
Country of origin: Czech Republic  
INCOTERMS 2010: DAP Damascus OR USA

Plnění je osvobozeno od DPH podle § 60 zákona o dani z přidané hodnoty s nárokem na odpočet daně.

Issuer: Jitka Staninová  
j.staninova@alukov.cz

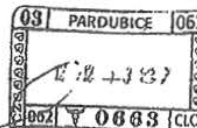
**Alukov**  
ALUKOV HZ spol. s r.o.  
Orel 18 Slatiňany  
538 21 Slatiňany  
IČ: 64257748  
DIČ: CZ64257748

	Recapitulation in CZK:	Tax base in CZK	% VAT	VAT in CZK	Total in CZK
Foreigner exchange rate used:	25.28 CZK	395 824.20	0%		
Quantity:	1 EUR	0,00	14%	0,00	0,00
		0,00	20%	0,00	0,00

Recipient:

Official stamp:

Economic and information system POHODA



Alukov HZ spol. s r.o.

INVOICE - TAX DOCUMENT No. 13VF00084

Supplier: <b>Alukov HZ spol. s r.o.</b> <b>Orel 18</b> <b>538 21 Slatiňany</b> <b>Česko</b>  Identif. number: 64257746 Tax identity: CZ64257746  Telephone: 469 681 488 Fax: 469 681 321 E-mail: alukov@alukov.cz www.alukov.cz		Variable symbol: 1300084 Constant Code: 0308 Order No.: date	
Issuing Bank: Komerční banka SWIFT: KOMBCZPPXXX IBAN: CZ3501000000788108660277 Account No.: 78-8108660277 Bank code: 0100		Customer: Identif. number:  <b>Pool &amp; Spa Enclosures, LLC</b> <b>237 Prospect Plains Rd.</b> <b>Monroe Township, NJ 08831</b>  <b>United States</b>	
Payment: payment order Invoice date: 26.02.2013 Due date: 12.03.2013 Date of a taxable supply: 26.02.2013		Receiver:	

Description	Q'ty	Unit price	Discount	Price	%VAT	VAT	Total
Fakturujeme Vám dodávku střešní hliníkové konstrukce - v rozloženém stavu  We invoice you Aluminium roofing construction, type Universe 6248x14834x2286 mm, Client: Dough & Mari Limbaugh							
Total amount				10,724.25	0%	0.00	10,724.25
Rounding							-0.25
<b>TOTAL DUE</b>					<b>Currency EUR</b>		<b>10,724.00</b>

goods is dismantled in parts  
 coll: 1  
 Container: TCLU 852232-9  
 Brutto: 2079 kg Netto: 1792 kg  
 Country of origin: Czech Republic  
 INCOTERMS 2010: DAP Phoenix AZ USA

Plnění je osvobozeno od DPH podle § 66 zákona o dani z přidané hodnoty s nárokem na odpočet daně.

Issuer: Jitka Slanínová  
 j.slavinova@alukov.cz

**ALUKOV HZ spol. s r.o.**  
 Orel 18 538 21 Slatiňany  
 tel: +420 469 681 488 fax: +420 469 681 321  
 IČ: 642 57 746 DIČ: CZ64257746  
 www.alukov.cz

	Recapitulation in CZK	Tax base in CZK	% VAT	VAT in CZK	Total in CZK
Foreigner exchange rate used:	25.62 CZK	274 748,88	0%		
Quantity:	1 EUR	0,00	15%	0,00	0,00
		0,00	21%	0,00	0,00

Recipient: Official stamp:

Economic and information system POHODA

AO 450 (Rev. 5/85) Judgment in a Civil Case

# United States District Court

Central Division for the District of Utah

2013 DEC -9 5 3:56

BY:

**AMENDED**

AQUA SHIELD,

**JUDGMENT IN A CIVIL CASE**

v.

INTERPOOL POOL COVER TEAM,  
ALUKOV HZ SPOL SRO, ALUKOV SPOL  
SRO, and POOL & SPA ENCLOSURES,

Case Number: 2:09-cv-00013-TS

## IT IS ORDERED AND ADJUDGED

that judgment be entered in favor of the plaintiff and against the defendant on plaintiff's claim that the defendants' models Universe, Laguna, Tropea, Combi, Style, Veranda, Spa and Orient infringe claims 1-14 and 16 of the '160 Patent. Defendants Inter Pool Over Team, Alukov HZ Spol.S.R.O. Alukov Spol.S.R.O., Pool and Spa Enclosures, their officers, agents, servants, employees and attorneys, and those persons in active concert or participation with such person(s) who receive actual notice of this order, by personal service or otherwise, shall be permanently enjoined from infringing, either directly, by inducement, or by contribution, the '160 Patent making using, selling or offering to sell the products adjudged to infringe in the United States or importing into the United States the products adjudged to infringe or are not more than colorably different from the adjudicated devices. The products adjudged to infringe the '190 patents include the following pool cover models manufactured or offered for sale by defendants: Universe, Laguna, Tropea, Combi, Style, Veranda, Spa and Orient with generally flat and removable end-panels.

Plaintiff is further awarded a reasonable royalty in the amount of \$10,800.

December 9, 2013  
Date

D. Mark Jones  
Clerk of Court

  
(By) Deputy Clerk

H. Dickson Burton (4004)  
TRASKBRITT, PC  
230 South 500 East, Suite 300  
Salt Lake City, UT 84110  
Telephone: (801) 532-1922

Gregory J. Coffey, *pro hac vice*  
Richard J. Dewland, *pro hac vice*  
COFFEY & ASSOCIATES  
310 South Street  
Morristown, NJ 07960  
Telephone: (973) 539-4500

IN THE UNITED STATES DISTRICT COURT  
DISTRICT OF UTAH, CENTRAL DIVISION

AQUA SHIELD, INC.  Plaintiff,  vs.  INTERPOOL COVER TEAM, ALUKOV HZ SPOL. S.R.O., ALUKOV, SPOL. S.R.O., POOL & SPA ENCLOSURES, LLC  Defendants.	<b>DEFENDANTS' MEMORANDUM OF POINTS AND AUTHORITIES RELATING TO REASONABLE ROYALTY, NON- WILLFUL INFRINGEMENT, AND NON- EXCEPTIONALITY</b>  2:09cv00013-TS  Judge: Ted Stewart
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Defendants Inter Pool Cover Team, Alukov HZ spol. S.r.o., Alukov, spol. S.r.o.  
and Pool & Spa Enclosures, LLC (the "IPC Defendants") respectfully submit this  
Memorandum of Law pursuant to the Court's Order entered March 10, 2015.

**I. ARGUMENT**

**A. At Most, Aqua Shield is Only Entitled to a Reasonable Royalty for the  
Profits Earned by Defendants by Virtue of Defendants' Sales of  
Infringing Pool Enclosures Made in the United States.**

In its Opinion, the Federal Circuit concluded that although the District Court  
acted properly in considering the IPC Defendants' actual profits earned during the period  
of infringement, the District Court should evaluate its treatment of those profits in



determining a reasonable royalty calculation on remand. See, Aqua Shield v. Inter Pool Cover Team, 774 F.3d 766, 772 (Fed. Cir. 2014). It is highly instructive and germane to the narrow analysis herein to note that the Federal Circuit did not direct the District Court to consider any evidence not in the record nor did it invite any revaluation of the credibility determinations made by the Court at trial with respect to Mr. Brooks' testimony or lack thereof on Aqua Shield's sales and profits. Rather, the sole source of the Federal Circuit's concern with respect to the reasonable royalty was that the IPC Defendants' net profits may have acted as a royalty cap<sup>1</sup>. Given these conclusions, and taking into account the possibility that the IPC Defendants could have raised its prices to account for the royalty and increased its profit margin by ten times the margin it actually earned<sup>2</sup>, (from 5% to 50%), and applying the reasonable royalty rate of 8%<sup>3</sup> derived from the Court's prior consideration of the Georgia-Pacific factors, then the royalty to Aqua Shield would be calculated as follows: (Gross Profit = \$639,507.67<sup>4</sup> \* 50% profit margin = \$319,753.83 net profit \* 8% royalty rate = \$25,580.31).

Furthermore, and at most, Aqua Shield is limited to a reasonable royalty for its damages for the gross profits earned by the IPC Defendants by virtue of the IPC

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<sup>1</sup> Pool and Spa Enclosures have sold 74 pool enclosures that encompass the models that were deemed by the court's prior summary judgment determination to have infringed the Aqua Shield patent. (T22:23-23:1)

<sup>2</sup> The District Court previously found that the Pool & Spa Enclosures, LLC earned a net profit margin on infringing sales of 5%. Jan Zitko corroborated those figures noting that Alukov has a yearly corporate net profit on all sales after taxation that is between 5% and 8% and that profit may be less than that on sales in the United States. Alexander Stonkus similarly testified that Alukov's profit margin on all sales - 5% - is no different from its profit margin infringing sales and that Pool & Spa Enclosures has operated at a loss since it began. (See, Memorandum Decision entered December 9, 2013, pg. 11.)

<sup>3</sup>(T238:7-239-21; T240:8-20)

<sup>4</sup> This Court found that the IPC Defendants' gross profit on infringing sales was just over \$600,000. (See, Memorandum Decision entered December 9, 2013, pg. 11.).

Defendants' sales of infringing pool enclosures made in the United States<sup>5</sup>. As such, and even in the event the Court determined that the IPC Defendants should be entitled to no profit and that the entirety of the its gross profits on infringing sales was the proper base with which to calculate the royalty, then Aqua Shield can be entitled to nothing more than the sum of **\$51,160.61**<sup>6</sup>. In light of this Court's exhaustive and comprehensive analysis of the Georgia-Pacific<sup>7</sup> factors, its application of eight of those factors, and all of the evidence and testimony adduced at trial, the gross profit methodology employed above is the only reliable and possible way to arrive at a reasonable royalty<sup>8</sup>. Any other calculation that that uses a base beyond the gross profit figure of \$639,507.67 testified to by Alexander Stonkus and Jan Zitko and corroborated by the underlying documents represents nothing more than a magician's exercise to derive a royalty amount out of thin air. Aqua Shield simply failed to provide the Court with any other evidence from which a reasonable royalty could be determined. Accordingly, for all of these reasons and the undisputed factual evidence in the record, Aqua Shield is entitled to a reasonable royalty of no more than a range between **\$25,580.31 and \$51,160**.

Aqua Shield offered no expert testimony regarding a reasonable royalty, took no depositions during discovery and presented the IPC Defendants and the Court with no facts supporting its reasonable royalty calculation. Mr. Brooks refused to testify at trial

<sup>5</sup> Of the 74 infringing enclosures sold, Pool & Spa Enclosures has generated total revenue of approximately \$2,700,000. The total cost of goods sold for pool enclosures made by Pool & Spa Enclosures is \$1,369,622 and the gross profit for those sales after deducting their manufacturing costs as documented by records produced from Alukov was \$639,507.67. (Def.'s Ex. DD; T15:2-22; Def.'s Ex. SS).

<sup>6</sup> (\$639,507.67 of gross profit \* 8% royalty rate = \$51,160.61).

<sup>7</sup> See, Georgia-Pacific Corp. v. U.S. Plywood-Champion Papers, 318 F.Supp. 1116, 1120 (S.D.N.Y. 1970)

<sup>8</sup> This methodology is based upon the factual evidence in the record and on Aqua Shield's total and complete failure to present any factual record on its own financial affairs beyond naked assertions. (T115:23-25; T:303:9-12).

to actual dollar amount<sup>9</sup> of lost profits due to the alleged decline in margins for the sale of Aqua Shield pool enclosures allegedly occasioned by the entry of Pool and Spa in the United States market. (T131:2-12). Aqua Shield introduced no financial records to corroborate Mr. Brooks' limited testimony, and Mr. Brooks refused to testify regarding the foundation for his various estimates. (T115:23-25; T303:9-12). Nothing in the Federal Circuit's Opinion suggests that this Court should determine a reasonable royalty that is wholly unsubstantiated by evidence admitted at trial and divorced from the credibility determinations made by this Court of the only witness Aqua Shield did present. Aqua Shield cannot point to any factual evidence in the record that refutes this analysis. It may argue that royalties should be calculated based on gross *revenues* rather than net or gross profits. But it has no basis in evidence to support this argument. It offered no expert witnesses and offered no other evidence to support such a conclusion. Aqua Shield would be doing nothing more than asking this Court to arbitrarily set a base against which a royalty would be applied.

What this Court did hear was testimony regarding profit margins. To now apply a royalty rate against those numbers would at least relate the royalty to some measurable base that is related to the value of the product found to be infringing. And given the easy design-around available to Defendants (making sure the end-panels are not removable), it is more than reasonable to limit the base to a profit margin rather than apply it to gross revenues. For Aqua Shield to argue otherwise, given its total failure to present evidence relating to a reasonable royalty, would be to ask this Court to engage in the most arbitrary of decision-making.

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<sup>9</sup> Mr. Brooks further stated that he would not answer any question or provide any actual dollar figures because it sought sensitive information that he would not disclose at trial. (T131:13-21-132:2-5).

**B. Even Under a Totality of Circumstances Standard, there is no Factually or Legally Sufficient Evidentiary Basis to Find that the IPC Defendants are Liable for Willful Infringement.**

Under the standards set forth in *In re Seagate Technology, LLC*, 497 F.3d 1360, 1371 (Fed. Cir. 2007) (*en banc*), Aqua Shield must prove by clear and convincing evidence that Defendants acted with reckless disregard of the claims of the '160 patent. To show "reckless disregard," Aqua Shield must show by clear and convincing evidence that: (1) Defendants acted despite an objectively high likelihood that its actions constituted infringement of a valid patent; and (2) Defendants knew or should have known of that objectively-high risk. *Id.* Aqua Shield cannot prove either prong, but its willfulness claim fails as a matter of law because the first "threshold" prong of the test – to which Defendants' "state of mind" is not relevant – clearly cannot be met in light of the defenses maintained and Aqua Shield's failure of proof.

In its Opinion, the Federal Circuit acknowledged the relevance of the denial of Aqua Shield's application for preliminary injunctive relief to the Court's analysis on willful infringement. Aqua Shield filed a lawsuit in the United States District Court for the Eastern District of New York seeking a preliminary injunction against Alukov. The Court in that case made a ruling denying Aqua Shield's request for a preliminary injunction, and on the basis of that ruling, Alukov continued to sell and market pool enclosures<sup>10</sup>. (T199:17-22).

Aqua Shield continues to attempt to minimize and/or condition the Eastern District of New York's denial of its request for a preliminary injunction through its

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<sup>10</sup> Had a preliminary injunction been issued in that case, Alukov and Pool and Spa Enclosures would have stopped selling pool enclosures that were found to infringe in the United States and would have marketed its other enclosures which don't defy Aqua Shield's patent. (T199:23-200:4).

specious argument that such denial was based purely on procedural and/or jurisdictional grounds<sup>11</sup>. However, Aqua Shield's arguments are directly belied by their actions given the undisputed absence of any renewal for preliminary injunctive relief when the case was transferred from the Eastern District of New York to the District of Utah. Had Aqua Shield truly believed that the denial of its preliminary injunction application was based solely on jurisdictional bases and not on a failure to demonstrate a likelihood of success on the merits, it would have or should have renewed its application for preliminary injunctive relief once the jurisdictional dispute was resolved and the case was transferred to Utah<sup>12</sup>. Nothing precluded Aqua Shield from doing so given that jurisdiction was now firmly established in Utah. Aqua Shield's failure to bring a preliminary injunction application in Utah represents a tacit admission that it could not demonstrate a likelihood of success on the merits and that the IPC Defendants were well advised to rely upon the denial of preliminary injunctive relief as a basis to continue to produce and sell its pool enclosures. This is especially true where IPC observed Aqua Shield's complete abdication of its rights to renew its application for a preliminary injunction in 2009 when the case was transferred and the Complaint was filed<sup>13</sup>.

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<sup>11</sup> Alukov succeeded in defeating Aqua Shield's motion for a preliminary injunction based upon Aqua Shield's failure to prove a likelihood of successes on the merits. *See* Minute Entry, entered Oct. 26, 2005, *Aqua Shield v. Inter Pool Cover Team*, Case No. 1:05-cv-04880-CBA-SMG (E.D.N.Y., filed October 18, 2005); T70:2-4.

<sup>12</sup> On or around December 31, 2008, the Eastern District of New York determined that the case should have been brought in Utah, and accordingly, transferred the case to the United States District Court for the District of Utah by Order dated January 5, 2009.

<sup>13</sup> On August 31, 2009, the United States District Court for the District of Utah granted Aqua Shield's motion for leave to file an amended complaint adding appellees, Alukov HZ Spol., S.R.O., Alukov Spol, S.R.O., and Pool & Spa Enclosures, LLC as Appellees to the case. (Docket No. 26).

In fact, courts that have considered a plaintiff's failure to bring an application for a preliminary injunction upon the filing of its lawsuit have rejected a willfulness determination on its face. In *McRo, Inc. v. Namco Banda Games America, Inc.*, 2-12-cv-10322 (CACD July 11, 2013, Order) (Wu, J.), the court granted defendant's motion to dismiss plaintiff's wilful infringement claims for failure to state a claim because plaintiff did not seek a preliminary injunction. There the court held:

"[*In re Seagate Tech., LLC*, 497 F.3d 1360 (Fed. Cir. 2007)] makes clear that an allegation of willfulness based on the accused infringer's post-suit knowledge of the patent can only be sustained if the plaintiff seeks a preliminary injunction. . . . We are not here presented with a question of whether the claim contains sufficient factual detail. Instead, the question is whether the claim can exist under the circumstances present, where the alleged knowledge of the patent resulted only from the filing of the original complaint in the action and the plaintiff has not sought a preliminary injunction. . . . It would eviscerate *Seagate* if a plaintiff could file an amended complaint alleging willfulness immediately after the original complaint was served. In sum, *Seagate* makes clear that where notice of the patent comes via the lawsuit, a plaintiff who wants to pursue a charge of willfulness needs to file a motion for a preliminary injunction, not an amended complaint." *Id.*

Aqua Shield cannot play both sides of the "preliminary injunction fence" as it seeks to do in this case. Either it failed to demonstrate a likelihood of success on the merits in the Eastern District of New York or it was dilatory in not seeking an application for preliminary injunctive relief after the case was transferred to the District of Utah. Under either approach, Aqua Shield simply can still uncover no factually or legally sufficient basis to find by clear and convincing evidence that the IPC Defendants proceeded with infringing conduct in the face of an objectively high likelihood that it was infringing the claims of a valid and enforceable patent<sup>14</sup>.

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<sup>14</sup> Alukov began selling pool enclosures to Pool & Spa Enclosures in 2008 with the same model and design Alukov had been selling in Europe for years prior to the issuance of the Aqua Shield patent in 2001 because

Moreover, the record plainly demonstrates that Pool & Spa Enclosures had no expectation that either Alukov or Pool & Spa Enclosures were selling pool enclosures within the United States that infringed the Aqua Shield patent<sup>15</sup> until the Court issued its determination on partial summary judgment on or around November 28, 2011<sup>16</sup>. (T51:14-52:5; 56:6-14). After Pool and Spa Enclosures learned that some of its models infringed upon the Aqua Shield patent, they instructed the factory in the Czech Republic to modify its products and pool enclosures by fixing the end panels<sup>17</sup>. (T:200:9-15). This modification was essential to eliminating an independent claim of the Aqua Shield patent. Where the Aqua Shield patent required flat and removable end panels, once Pool and Spa learned that some of its products infringed upon that patent, it instructed the

---

Alukov was previously advised from patent counsel that its pool enclosures did not infringe the patent and because Alukov obtained a ruling from the Eastern District of New York denying Aqua Shield's application for a preliminary injunction. (T53:16-54:20; 87:17-88:4; 274:19-24).

<sup>15</sup> Pool & Spa Enclosures and Alukov similarly had no expectation prior to the Court's determination on November 28, 2011 that their pool enclosures infringed because Alukov had been selling the same pool enclosures in Europe for many years before the Aqua Shield patent was issued in 2001. (T54:3-15). It was very clear from the summary judgment ruling in November of 2011 what models were found to infringe Aqua Shield's patent. Alukov and Pool and Spa sell 18 models of pool and sunroom enclosures, 7 of which were found to infringe Aqua Shield's patent leaving the balance of 11 enclosures as non-infringing alternatives. (T201:14-23).

<sup>16</sup> Right after receiving the District Court's ruling on summary judgment in November of 2011, Pool & Spa Enclosures contacted the factory and told them that under no circumstances was Alukov to bring in any such enclosures into the United States that have removable faces and that all faces on all infringing pool enclosures must be permanent and non-removable. (T62:1-6). The purpose and significance to Pool & Spa Enclosures' directive to the factory to not bring in any more pool enclosures with removable faces is that Pool & Spa did not want to be in violation of the District Court's ruling in November of 2011. (T62:7-11). Pool & Spa Enclosures has not, in fact, sold any model of pool enclosure determined to be infringing with removable end panels since the Court's determination and ruling in November of 2011. (T62:17-20).

<sup>17</sup> Since its inception, Alukov, IPC, and Pool & Spa have only sold seven pool enclosures in the United States that have end panels that are generally flat and removable. Alukov and Pool & Spa Enclosures were advised that the inclusion of removable end panels is required by claim 1 of the Aqua Shield patent. (T55:9-56:5). Alukov and Pool & Spa Enclosures received advice from patent counsel and had no expectation that pool enclosures infringed prior to the Court's rulings of November 28, 2011. (T:56:6-22; 87:17-88:4; 274:19-24).

factory to only produce those models with permanent, non-removable end panels<sup>18</sup>. (T203:9-20). For these reasons, and because Aqua Shield has not satisfied the threshold objective hurdle in *Seagate*, it is not entitled to a determination of willful infringement of the '160 patent even under a totality of circumstances approach.

**C. Notwithstanding Aqua Shield's Inability to Demonstrate Willfulness in this Case, it can also not Prove Entitlement to Attorney's Fees.**

Courts award attorneys' fees only in "exceptional" cases where "egregious abuse of the judicial process" or unconscionable conduct warrants departing from the "American Rule" by requiring the losing party to bear its opponent's costs under a totality of circumstances. *Wedgetail Ltd v. Huddleston Deluxe, Inc.*, 576 F.3d 1302, 1304 (Fed. Cir. 2009). Courts have also explained that "[a]n award of attorney fees under [35 U.S.C.] §285 is not intended to be an 'ordinary thing in patent cases,' and should be limited to circumstances in which it is necessary to prevent 'a gross injustice' or bad faith litigation." *In re Bromonidine Patent Litig.*, 666 F.Supp.2d 429,453 (D.Del. 2009). A district court thus has broad discretion to deny attorneys' fees, even in so-called "exceptional" cases, where an unsuccessful litigant raised good-faith defenses that were "not frivolous or asserted for an improper purpose." *Cybor Corp. v. FASTechs., Inc.*, 138 F.3d 1448, 1460-61 (Fed. Cir. 1998) (*en banc*). Even where there has been a determination of willfulness at trial, a finding of willfulness by itself does not require – and is often insufficient to support – a finding that a case is exceptional. *Id.* at 1461.

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<sup>18</sup> Pool & Spa Enclosures continued to appear at trade shows after November 28, 2011 and promote the sale of the same models of pool enclosures, but they instructed the factory to modify construction of pool enclosures after November 28, 2011 to deviate from the design and structure that had been sold prior to the infringement determination. (T56:10-22). Pool & Spa Enclosures instructed the factory to modify the design of pool enclosures from the design of pool enclosures sold prior to the Court's November 28, 2011 determination to avoid continued infringement of the Aqua Shield patent. (T200:9-15; T56:10-22).



In this case, there is simply no showing whatsoever that Defendants made misrepresentations to the court, falsified evidence, committed discovery and trial abuses or plead defenses of marginal relevance. Similarly, Aqua Shield cannot point to any evidence that Defendants were committed to copying the patented feature of its pool enclosure or that Defendants arrived at their infringing design based upon inspections, photographs, and/or an operator's manual for the patentee's product. There was nothing admitted at trial demonstrating that the IPC Defendants' took any actions or pursued any defenses egregiously or in bad faith. Accordingly, for all of these reasons, Aqua Shield is not entitled to an award of attorneys' fees under 35 U.S.C §285.

## **II. CONCLUSION**

For all of the foregoing reasons, and even in the event the Court determined that the IPC Defendants could make no profit and that the entirety of the its gross profits on infringing sales was the proper base with which to calculate the royalty, then Aqua Shield can be entitled to nothing more than the sum of **\$51,160.61**. Furthermore, even under a totality of circumstances standard, there is no factually or legally sufficient evidentiary basis to find that the IPC Defendants are liable for willful infringement, enhanced damages fees or attorneys' fees.

**COFFEY & ASSOCIATES**  
Attorneys for IPC Defendants

By: 

Gregory J. Coffey, Esq., *pro hac vice*  
Richard I. Dewland, Esq., *pro hac vice*

Dated: April 22, 2015

Case 2:09-cv-00013-TS Document 172-2 Filed 10/25/13 Page 1 of 45

## Exhibit HHa

Defendants' invoices from Oct. 2008 through Nov. 2011.

**Alukov HZ spol. s r.o.****INVOICE - TAX DOCUMENT No. 28VF01781**

<b>Supplier:</b> <b>Alukov HZ spol. s r.o. ,</b> <b>Orel 18</b> <b>538 21 Slatiňany</b> <b>Česko</b>  Identif. number: 64257746 Tax identity: CZ64257746 Telephone: 469 681 321 Mobile phone: 602 141 969 Fax: 469 681 488 E-mail: alukov@alukov.cz www.alukov.cz		<b>Variable symbol:</b> 2801781 <b>Constant Code:</b> 0308 <b>Order No.:</b> date	
<b>Issuing Bank:</b> Komerční banka <b>SWIFT:</b> KOMBCZPPXXX <b>IBAN:</b> CZ3501000000788108660277 <b>Account No.:</b> 78-8108660277 <b>Bank code:</b> 0100		<b>Customer:</b> Identif. number:  <b>Pool &amp; Spa Enclosures , LLC</b> <b>237 Prospect Plains Rd.</b> <b>Monroe Township, NJ 08831</b>  <b>United States</b>	
<b>Payment:</b> payment order <b>Invoice date:</b> 14.10.2008 <b>Due date:</b> 24.10.2008 <b>Date of a taxable supply:</b> 14.10.2008		<b>Receiver:</b>	

Description	Q'ty	Unit price	Discount	Price	%VAT	VAT	Total
Fakturuje Vám dodávku střešní hliníkové konstrukce - Universe							
We invoice you							
Aluminium roofing construction , type	1 ks	4,970.00		4,970.00	0%	0.00	4,970.00
Universe 4,45x8,4 "fill up:							
polycarbonate clear , , 10 mm with							
UV protection , white profiles RAL							
9010							
transport	1	3,105.00		3,105.00	0%	0.00	3,105.00
Total amount				8,075.00		0.00	8,075.00
<b>TOTAL DUE</b>				Currency EUR			<b>8,075.00</b>

Total : 1 goods are dismantled in parts  
 Container: HJCU 807759-4  
 Brutto: 630 kg Netto: 500 kg  
 INCOTERMS : DDU Cullmann  
 Country of origin: Czech Republic  
 TARIC CODE: 76109090

Plnění je osvobozeno od DPH podle §60 zákona o dani z přidané hodnoty s nárokem na odpočet daně.

Issuer: Jitka Slaninová  
 j.slantinova@alukov.cz

**Alukov**  
 ALUKOV HZ, spol. s r.o.  
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 tel: +420 469 681 488, fax: +420 469 681 321  
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 www.alukov.cz

Recapitulation in CZK:		Tax base in CZK	% VAT	VAT in CZK	Total in CZK
Foreigner exchange rate used:	24.665 CZK	199,169.88	0%		
Quantity:	1 EUR	0.00	9%	0.00	0.00
		0.00	19%	0.00	0.00

Recipient: Official stamp:

Economic system POHODA © STORMWARE s.r.o.



**Alukov HZ spol. s r.o.**

Supplier:  
**Alukov HZ spol. s r.o.**  
 Orsl 18  
 538 21 Slatiňany  
 Česko

Identif. number: 64257746  
 Tax Identity: CZ64257746  
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 Mobile phone: 602 141 969  
 Fax: 469 681 488  
 E-mail: alukov@alukov.cz  
 www.alukov.cz

Issuing Bank: Komerční banka  
 SWIFT: KOMBCZPPXXX  
 IBAN: CZ3601000000788108660277  
 Account No.: 78-8108660277 Bank code: 0100

**INVOICE - TAX DOCUMENT No. 29VF00100**

Variable symbol: 2900100  
 Constant Code: 0308  
 Order No.: date

Customer: Identif. number:

**Pool & Spa Enclosures, LLC**  
 237 Prospect Plains Rd.  
 Monroe Township, NJ 08831

United States

Payment: payment order  
 Invoice date: 18.02.2009  
 Due date: 04.03.2009  
 Date of a taxable supply: 18.02.2009

Receiver:

Description	Q'ty	Unit price	Discount	Price	%VAT	VAT	Total
Fakturuje Vam dodavku střešní hliníkové konstrukce Universe - v rozloženém stavu							
We invoice you							
Aluminium roofing construction, type Universe, Client: Mr. Leon Gelecki, 154 Gumey Ln, Langston, AL 35755-8202 US	1 ks	18,345.84		18,345.84	0%	0.00	18,345.84
transport	1	2,526.00		2,526.00	0%	0.00	2,526.00
Total amount				20,871.84		0.00	20,871.84
Rounding						0.36	
<b>TOTAL DUE</b>				Currency EUR			<b>20,872.00</b>

goods is dismantled in parts  
 Container: HJCU 139800-0  
 Total: 3 coils  
 Brutto: 3810,00 kg Netto: 3170,00 kg  
 Incoterms 2000: CPT Langston US

Country of origin: Czech Republic

Plnění je osvobozeno od DPH podle §68 zákona o dani z přidané hodnoty s nárokem na odpočet daně.

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	Recapitulation in CZK:		Tax base in CZK	% VAT	VAT in CZK	Total in CZK
Foreigner exchange rate used:	27.87	CZK	581,702.64	0%		
Quantity:	1	EUR	0.00	9%	0.00	0.00
			0.00	19%	0.00	0.00

Recipient:

Official stamp:

Economic system POHODA © STORMWARE s.r.o.

**Alukov HZ spol. s r.o.**

Supplier:  
**Alukov HZ spol. s r.o.**  
 Orel 18  
 538 21 Slatiňany  
 Česká republika

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Issuing Bank: Komerční banka  
 SWIFT: KOMBCZPPXXX  
 IBAN: CZ3501000000788108660277  
 Account No.: 78-8108660277 Bank code: 0100

**INVOICE - TAX DOCUMENT No. 29VF01203**

Variable symbol: 2901203  
 Constant Code: 0308  
 Order No.: date

Customer: Identif. number:

**Pool & Spa Enclosures, LLC**  
 237 Prospect Plains Rd.  
 Monroe Township, NJ 08831

**United States**

Payment: payment order  
 Invoice date: 20.07.2009  
 Due date: 03.08.2009  
 Date of a taxable supply: 20.07.2009

Receiver:

Description	Q'ty	Unit price	Discount	Price	%VAT	VAT	Total
Fakturuje Vam dodavku střešní hliníkové konstrukce - v rozloženém stavu							
We invoice you							
Aluminium roofing construction, type Oceanic, Client: John Kirkwood, 60 Woodmont Rd., Montclair, NJ 07043	1 ks	7,941.95		7,941.95	0%	0.00	7,941.95
Aluminium roofing construction, type Veranda, Client: Sila Frank, 8 Birch Run Ct., Ewing, NJ 08682	1 ks	5,020.00		5,020.00	0%	0.00	5,020.00
Aluminium roofing construction, type Corso, Client: Atlantic Group	1 ks	10,794.43		10,794.43	0%	0.00	10,794.43
transport	1	1,861.00		1,861.00	0%	0.00	1,861.00
Total amount				25,617.38		0.00	25,617.38
Rounding						-0.38	
<b>TOTAL DUE</b>				<b>Currency EUR</b>			<b>25,617.00</b>

goods is dismantled in parts  
 Container: TRLU 879971-4  
 Total: 51  
 Brutto: 2475 kg Netto: 2105 kg  
 Incoterms 2000: CPT TIMEX EXPRESS  
 1 Slater Drive, Elizabeth NJ 07206, US



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Country of origin: Czech Republic

Plnění je osvobozeno od DPH podle §56 zákona o dani z přidané hodnoty a nárokem na odpočet daně.

Issuer: Jitka Slaninová  
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	Recapitulation in CZK:	Tax base in CZK	% VAT	VAT in CZK	Total in CZK
Foreigner exchange rate used:	25.89 CZK	663,224.13	0%		
Quantity:	1 EUR	0.00	9%	0.00	0.00
Economic system POHODA © STORMWARE s.r.o.					

**Alukov HZ spol. s r.o.**

Supplier:  
**Alukov HZ spol. s r.o.**  
**Orel 18**  
**538 21 Slatňany**  
**Česká republika**

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Issuing Bank: Komerční banka  
 SWIFT: KOMBCZPPXXX  
 IBAN: CZ3501000000788108680277  
 Account No.: 78-8108680277 Bank code: 0100

**INVOICE - TAX DOCUMENT No. 29VF01202**

Variable symbol: 2901202  
 Constant Code: 0308  
 Order No.: date

Customer: Identif. number:

**Pool & Spa Enclosures, LLC**  
**237 Prospect Plains Rd.**  
**Monroe Township, NJ 08831**

United States

Payment: payment order  
 Invoice date: 20.07.2009  
 Due date: 03.08.2009  
 Date of a taxable supply: 20.07.2009

Receiver:

Description	Qty	Unit price	Discount	Price	%VAT	VAT	Total
Fakturujeeme Vám dodávku střešní hliníkové konstrukce Laguna - v rozloženém stavu							
We invoice you							
Aluminium roofing construction, type Laguna, Client: Mark Bitzan, N95W 18655 Jay Drive Menomonee Falls, WI 53051 US	1 ks	21,117.50		21,117.50	0%	0.00	21,117.50
transport	1	5,130.00		5,130.00	0%	0.00	5,130.00
Total amount				26,247.50		0.00	26,247.50
Rounding							0.60
<b>TOTAL DUE</b>				Currency EUR			<b>26,248.00</b>

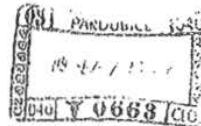
goods is dismantled in parts  
 Container: TRLU 922883-2  
 Total: 1 coil  
 Brutto: 2215 kg Netto: 1820 kg  
 Incoterms 2000: DDU Menomonee Falls USA

Country of origin: Czech Republic

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Plnění je osvobozeno od DPH podle §66 zákona o dani z přidané hodnoty s nárokem na odpočet daně.

Issuer: Jitka Slaninová  
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	Reconciliation in CZK	Tax base in CZK	% VAT	VAT in CZK	Total in CZK
Foreigner exchange rate used:	25.89 CZK	679,580.72	0%		
Quantity:	1 EUR	0.00	9%	0.00	0.00
		0.00	19%	0.00	0.00

Recipient:

Official stamp:

Economic system POHODA © STORMWARE s.r.o.

**Alukov HZ spol. s r.o.**

Supplier:  
**Alukov HZ spol. s r.o.**  
 Orel 18  
 538 21 Slatiňany  
 Česká republika

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 E-mail: alukov@alukov.cz  
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Issuing Bank: Komerční banka  
 SWIFT: KOMBCZPPXXX  
 IBAN: CZ3501000000788108660277  
 Account No.: 78-8108660277 Bank code: 0100

Payment: payment order  
 Invoice date: 17.09.2009  
 Due date: 01.10.2009  
 Date of a taxable supply: 17.09.2009

**INVOICE - TAX DOCUMENT No. 29VF01615**

Variable symbol: 2901615  
 Constant Code: 0308  
 Order No.: data

Customer: Identif. number:

**Pool & Spa Enclosures, LLC**  
 237 Prospect Plains Rd.  
 Monroe Township, NJ 08831

**United States**

Description	Q'ty	Unit price	Discount	Price	%VAT	VAT	Total
Fakturuje Vam dodávku střešní hliníkové konstrukce - v rozloženém stavu							
We invoice you							
Aluminium roofing construction, type	1 ks	8,542.88		8,542.88	0%	0.00	8,542.88
Universe combi, Client: Peter Kemble							
, 146 Mountain Road, Greenfield,							
MA 01302							
transport	1	1,793.00		1,793.00	0%	0.00	1,793.00
Total amount				10,335.88		0.00	10,335.88
Rounding							0.14
<b>TOTAL DUE</b>				Currency EUR			<b>10,336.00</b>

goods is dismantled in parts  
 Container: BSIU 2171967  
 Total: 1  
 Brutto: 1005 kg Netto: 800 kg  
 Incoterms 2000 : DDU Greenfield  
 Country of origin: Czech Republic

Plnění je osvobozeno od DPH podle §66 zákona o dani z přidané hodnoty s nárokem na odpočet daně.

Issuer: Jitka Slaninová  
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	Recapitulation in CZK:	Tax base in CZK	% VAT	VAT in CZK	Total in CZK
Foreigner exchange rate used:	26.38 CZK	262,327.68	0%		
Quantity:	1 EUR	0.00	8%	0.00	0.00
		0.00	19%	0.00	0.00

Recipient:

Official stamp:

Economic system POHODA © STORMWARE s.r.o.

**Alukov HZ spol. s r.o.**

Supplier:  
Alukov HZ spol. s r.o.  
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Fax: 469 681 488  
E-mail: alukov@alukov.cz  
www.alukov.cz

Issuing Bank: Komerční banka  
SWIFT: KOMB CZPPXXX  
IBAN: CZ3501000000788108660277  
Account No.: 78-8108660277

Bank code: 0100

**INVOICE - TAX DOCUMENT No. 29VF01699**

Variable symbol: 2901699  
Constant Code: 0308  
Order No.: date

Customer Identif. number:

Pool & Spa Enclosures, LLC  
237 Prospect Plains Rd.  
Monroe Township, NJ 08831

United States

Payment: payment order  
Invoice date: 29.09.2009  
Due date: 13.10.2009  
Date of a taxable supply: 29.09.2009

Receiver:

Description	Q'ty	Unit price	Discount	Price	%VAT	VAT	Total
Fakturuje se Vám dodávku střešní hliníkové konstrukce - v rozloženém stavu							
We invoice you							
Aluminium roofing construction, type	1 ks	28,868.75		28,868.75	0%	0.00	28,868.75
Universe 7,468x19,612x2,540 m, Client: Stefan Agner 112 Mount Airy Rd PA 18947 Pipersville US							
transport	1	2,103.00		2,103.00	0%	0.00	2,103.00
Total amount				30,971.75		0.00	30,971.75
Rounding							0.25
<b>TOTAL DUE</b>				Currency EUR			<b>30,972.00</b>

goods is dismantled in parts  
Container: MOTU 073895-6  
Total: 55

Brutto: 2240 kg Netto: 2050 kg  
Incoterms 2000: DDU Pipersville  
Country of origin: Czech Republic

**Alukov**  
ALUKOV HZ spol. s r.o.  
Orel 18, 538 21 Slatiňany  
tel: +420 469 681 321 fax: +420 469 681 488  
IC: 64257746 IČ: 64257746  
www.alukov.cz



Plnění je osvobozeno od DPH podle §66 zákona o dani z přidané hodnoty s nárokem na odpočet daně.

Issuer: Jiřka Slaninová  
j.slavinova@alukov.cz

	Recapitulation in CZK	Tax base in CZK	% VAT	VAT in CZK	Total in CZK
Foreigner exchange rate used:	25.38 CZK	786,069.36	0%		
Quantity:	1 EUR	0.00	9%	0.00	0.00
		0.00	19%	0.00	0.00

Recipient:

Official stamp:

Economic system POHODA © STORMWARE s.r.o.



**Alukov HZ spol. s r.o.**

Supplier:  
Alukov HZ spol. s r.o.  
Orel 18  
538 21 Slatiňany  
Česká republika

Identif. number: 64257746  
Tax identity: CZ64257746  
Telephone: 469 681 321  
Mobile phone: 602 141 969  
Fax: 469 681 488  
E-mail: alukov@alukov.cz  
www.alukov.cz

Issuing Bank: Komerční banka  
SWIFT: KOMB CZPPXXX  
IBAN: CZ350100000788108660277  
Account No.: 78-8108660277 Bank code: 0100

**INVOICE - TAX DOCUMENT No. 29VF01698**

Variable symbol: 2901698  
Constant Code: 0308  
Order No.: date

Customer, identif. number:

Pool & Spa Enclosures, LLC  
237 Prospect Plains Rd.  
Monroe Township, NJ 08831

United States

Payment: payment order  
Invoice date: 29.09.2009  
Due date: 13.10.2009  
Date of a taxable supply: 29.09.2009

Receiver:

Description	Qty	Unit price	Discount	Price	%VAT	VAT	Total
Fakturuje Vam dodávku střešní hliníkové konstrukce - v rozloženém stavu							
We invoice you							
Aluminium roofing construction, type	1 ks	20,711.04		20,711.04	0%	0.00	20,711.04
Tropes 7,163x14,834x2,30 m, Client: Loo & Eva Gans, 1044 E.Lawn							
Cl Teaneck, NJ 01668							
transport	1	1,974.00		1,974.00	0%	0.00	1,974.00
Total amount				22,685.04		0.00	22,685.04
Rounding							-0.04
TOTAL DUE				Currency EUR			22,685.00

goods is dismantled in parts  
Container: FCIU871476-6  
Total: 1  
Brutto: 2340 kg Netto: 1800 kg  
Incoterms 2000: DDU Teaneck

Country of origin: Czech Republic

**Alukov**  
ALUKOV HZ spol. s r.o.  
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IC: 64257746 DIK: CZ64257746  
www.alukov.cz

Plnění je osvobozeno od DPH podle §66 zákona o dani z přidané hodnoty s nárokem na odpočet daně.

Issuer: Jitka Slaninová  
j.slavinova@alukov.cz

	Recapitulation in CZK	Tax base in CZK	% VAT	VAT in CZK	Total in CZK
Foreigner exchange rate used:	25.38 CZK	576,745.30	0%		
Quantity:	1 EUR	0.00	9%	0.00	0.00
		0.00	19%	0.00	0.00

Recipient:

Official stamp.

Economic system POHODA © STORMWARE s r o

<b>Alukov HZ spol. s r.o.</b> <b>Orel 18</b> <b>538 21 Staliňany</b> <b>Česká republika</b>  Identif. number: 64257746 Tax identity: CZ64257746 Telephone: 469 681 488 Mobile phone: 602 141 969 Fax: 469 681 488 E-mail: alukov@alukov.cz www.alukov.cz		<b>INVOICE - FAKURA</b> Variable symbol: 254725 Constant Code: C36 Order No.: date	
Issuing Bank: Komerční banka SWIFT: KOMBCZPPXXX IBAN: CZ3501000000788108660277 Account No.: 78-8108660277 Bank code: 0100		Customer: Identif. number:  <b>Pool &amp; Spa Enclosures, LLC</b> <b>237 Prospect Plains Rd.</b> <b>Monroe Township, NJ 08831</b>  <b>United States</b>	
Payment: payment order Invoice date: 07.10.2009 Due date: 21.10.2009 Date of a taxable supply: 07.10.2009		Receiver:	

Description	Q'ty	Unit price	Discount	Price	%VAT	VAT	Total
Fakturuje Vám dodávku střešní hliníkové konstrukce - v rozloženém stavu							
We invoice you							
Aluminium roofing construction, type Laguna 8839x21336 mm, Client: Mark Engler, 116 Homestead Arneytown Rd. Allentown, NJ 08501, USA	1 ks	40,793.00		40,793.00	0%	0.00	40,793.00
transport	1	1,817.00		1,817.00	0%	0.00	1,817.00
Total amount				42,610.00		0.00	42,610.00
TOTAL DUE				Currency EUR			42,610.00


  

goods is dismantled in parts  
 Container: TGHU 723127-2  
 Total: 138 coll  
 Brutto: 5850 kg Netto: 5025 kg  
 Incoterms 2000: DDU Allentown  
 Country of origin: Czech Republic

Plnění je osvobozeno od DPH podle §56 zákona o dani z přidané hodnoty s nárokem na odpočet daně.

Issuer: Jitka Slaninová  
 j.slantinova@alukov.cz

  
**ALUKOV HZ, spol. s r.o.**  
 Orel 18, 538 21 Staliňany  
 tel: +420 469 681 408, fax: +420 469 681 321  
 IČ: 64257746 DIČ: CZ64257746  
 www.alukov.cz

Recapitulation in CZK:		Tax base in CZK	% VAT	VAT in CZK	Total in CZK
Foreigner exchange rate used:	25.165 CZK	1,072,280.65	0%		
Quantity:	1 EUR	0.00	9%	0.00	0.00
		0.00	19%	0.00	0.00

Recipient: Official stamp:

Economic system POHODA © STORMWARE s.r.o.

Alukov HZ spol. s r.o.

ADVANCE INVOICE No. 29VZa00826

Supplier:  
Alukov HZ spol. s r.o.  
Orel 18  
538 21 Slatiňany  
Česko

Identif. number: 64257746  
Tax identity: CZ64257746  
Telephone: 469 681 488  
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E-mail: alukov@alukov.cz  
www.alukov.cz

Issuing Bank: Komerční banka  
SWIFT: KOMBCZPPXXX  
IBAN: CZ350100000788108660277  
Account No.: 78-8108660277 Bank code: 0100

Variable symbol: 2900826  
Constant Code: 0308  
Order No.: date

Customer: Identif. number:

Pool & Spa Enclosures, LLC  
237 Prospect Plains Rd.  
Monroe Township, NJ 08831

United States

Payment: payment order  
Invoice date: 13.10.2009  
Due date: 27.10.2009

Receiver:

Description	Q'ty	Unit price	Discount	EUR	Total
Dodávka střešní hliníková konstrukce v rozloženém stavu - výstavní - cena jen pro celní účely Aluminium roofing construction, type Laguna Grande 7458x14834x2750mm - Showroom	1	30,019.10			30,019.10
Total amount					30,019.10
Rounding					-0.10
<b>TOTAL DUE</b>				<b>Currency EUR</b>	<b>30,019.00</b>

goods is dismantled in parts  
Container:CMCU 440285-2  
Total: 1 coll  
Brutto: 3505,00 kg Netto: 2855,00 kg  
INCOTERMS 2000 : DDU Monmouth Junction

FOR CUSTOMS PURPOSES ONLY. FREE OF CHARGE.  
Country of origin: Czech Republic

Issuer: Jitka Slanínová  
j.slantinova@alukov.cz



Firma Alukov HZ spol. s r.o. je zapsána v obchodním rejstříku Krajského soudu Hradec Králové oddíl C, vložka 8608

Recipient:

Official stamp:

Economic system PŮHODA © STORMWARE s.r.o.

**Alukov HZ spol. s r.o.**

Supplier  
Alukov HZ spol. s r.o.  
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Issuing Bank: Komerční banka  
SWIFT: KOMBCZPPXXX  
IBAN: CZ350100000788108660277  
Account No.: 78-8108660277 Bank code: 0100

**INVOICE - TAX DOCUMENT No. 10VF00037**

Variable symbol: 1000037  
Constant Code: 0308  
Order No.: date

Customer: Identif. number:

Pool & Spa Enclosures, LLC  
237 Prospect Plains Rd.  
Monroe Township, NJ 08831

United States

Payment: payment order  
Invoice date: 27.01.2010  
Due date: 10.02.2010  
Date of a taxable supply: 27.01.2010

Receiver:

Description	Q'ty	Unit price	Discount	Price	%VAT	VAT	Total
Fakturuje Vám dodávku střešní hliníkové konstrukce - v rozloženém stavu							
We invoice you							
Aluminium roofing construction, type Laguna 3810x19085x2850 mm, Client: Kathy ORD, 16935 Knollview Drive, Hidden Valley Lake, CA 95467 USA	1 ks	17,059.91		17,059.91	0%	0.00	17,059.91
transport	1	6,504.00		6,504.00	0%	0.00	6,504.00
Total amount				23,563.91		0.00	23,563.91
Rounding							0.09
<b>TOTAL DUE</b>							<b>23,564.00</b>

goods is dismantled in parts  
Container: MSCU 453691-3  
Total 2 colli  
Brutto: 2975 kg Netto: 2400 kg  
Incoterms 2000: DDU  
Country of origin: Czech Republic



Plnění je osvobozeno od DPH podle §66 zákona o dani z přidané hodnoty s nárokem na odpočet daně.

Issuer: Jitka Slaninová  
j.slavinova@alukov.cz



Receiptulation in CZK:		Tax base in CZK	% VAT	VAT in CZK	Total in CZK
Foreigner exchange rate used	26,465 CZK	623,621.26	0%		
Quantity	1 EUR	0.00	10%	0.00	0.00
		0.00	20%	0.00	0.00

Recipient:

Official stamp:

Economic and information system POHODA

**Alukov HZ spol. s r.o.**

Supplier:  
Alukov HZ spol. s r.o.  
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Issuing Bank: Komerční banka  
SWIFT: KOMBCZPPXXX  
IBAN: CZ350100000788108660277  
Account No.: 78-8108660277 Bank code: 0100

**INVOICE - TAX DOCUMENT No. 10VF00705**

Variable symbol: 1000705  
Constant Code: 0308  
Order No.: date

Customer: Identif. number:

Pool & Spa Enclosures, LLC  
237 Prospect Plains Rd.  
Monroe Township, NJ 08831

United States

Payment: payment order  
Invoice date: 03.06.2010  
Due date: 17.06.2010  
Date of a taxable supply: 03.06.2010

Receiver:

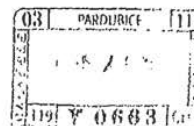
Description	Q'ty	Unit price	Discount	Price	%VAT	VAT	Total
Fakturuje Vam dodávku střešní hliníkové konstrukce - v rozloženém stavu							
We invoice you							
Aluminium roofing construction, type Viva 3,734x14,834x1,167 m, Client: Alan & Pamela Ornsle, 4 Scotts Laiding Rd., Southampton NJ	1 ks	9,335.23		9,335.23	0%	0.00	9,335.23
Aluminium roofing construction, type Oceanic 5,486x10,566x1,981 m, Client: Warren Schillfel, Edison NJ	1 ks	12,275.39		12,275.39	0%	0.00	12,275.39
Aluminium roofing construction, type Veranda 3,336x5,640x2,540 m, Client: Susie Chu	1 ks	4,350.00		4,350.00	0%	0.00	4,350.00
Aluminium roofing construction, type Style 4,588x6,350x2,525 m, Client: Shashi Jan, Lynnfield, MA 01940	1 ks	8,129.70		8,129.70	0%	0.00	8,129.70
Aluminium roofing construction, type Laguna Combi 5,112/2,14x5,613/6,223x2,30 m, Client: Sheela & Aditya Choubey	1 ks	15,773.75		15,773.75	0%	0.00	15,773.75
transport	1	3,315.00		3,315.00	0%	0.00	3,315.00

Total amount 53,179.07 0.00 53,179.07  
Rounding 0.07  
TOTAL DUE Currency EUR 53,179.00

goods is dismantled in parts  
Container: TGHU 749047-9  
Total: 160 coll  
Brutto: 5450kg Netto: 5295 kg  
Incoterms 2000: DDU  
Country of origin: Czech Republic

Plnění je osvobozeno od DPH podle §66 zákona o dani z přidané hodnoty s nárokem na odpočet daně.

Economic and Information system POHODA



**Alukov HZ spol. s r.o.**

Supplier  
Alukov HZ spol. s r.o.  
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Česko

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E-mail: alukov@alukov.cz  
www.alukov.cz

Issuing Bank: Komerční banka  
SWIFT: KOMB CZPPXXX  
IBAN: CZ3501000000788108660277  
Account No.: 78-8108660277 Bank code: 0100

**INVOICE - TAX DOCUMENT No. 10VF00796**

Variable symbol: 1000796  
Constant Code: 0308  
Order No. date

Customer Identif. number:

Pool & Spa Enclosures, LLC  
237 Prospect Plains Rd.  
Monroe Township, NJ 08831

United States

Payment: payment order  
Invoice date: 10.08.2010  
Due date: 24.06.2010  
Date of a taxable supply: 10.08.2010

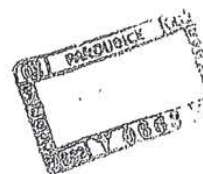
Receiver:

Description	Qty	Unit price	Discount	Price	%VAT	VAT	Total
Fakturuje Vam dodávku střešní hliníkové konstrukce - v rozloženém stavu							
We invoice you							
Aluminum roofing construction, type Universe 5,94x12,849x2,235 m, Client: Jennifer Hall 3324 Elm Terrace, Faus Church, VA 22042 USA	1 ks	14,020.50		14,020.50	0%	0.00	14,020.50
Aluminum roofing construction, type Elegant 4,848x10,566x1,168 m, Client: James Griffiths, 1071 Linkside Drive, Hendersonville, NC 28739 USA	1 ks	6,708.42		6,708.42	0%	0.00	6,708.42
transport	1	3,976.00		3,976.00	0%	0.00	3,976.00
Total amount				24,704.92		0.00	24,704.92
Rounding							0.08
TOTAL DUE							24,705.00
				Currency EUR			

goods is dismantled in parts  
Container: MSKU 8172716  
Total: 38 colli  
Brutto: 3140kg Netto: 2600 kg  
Incoterms 2000: DDU  
Country of origin: Czech Republic

Plnění je osvobozeno od DPH podle §66 zákona o dani z přidané hodnoty s nárokem na odpočet daně.

Issuer: Jitka Slatinová  
j.slatinova@alukov.cz



	Recepitulation in CZK	Tax base in CZK	% VAT	VAT in CZK	Total in CZK
Foreigner exchange rate used	25.51 CZK	630,224.55	0%	0.00	0.00
Quantity	1 EUR	0.00	10%	0.00	0.00
		0.00	20%		

Economic and information system POHODA

**Alukov HZ spol. s r.o.**

Supplier:  
**Alukov HZ spol. s r.o.**  
 Orat 18  
 538 21 Slatiňany  
 Česko

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 E-mail: alukov@alukov.cz  
 www.alukov.cz

Issuing Bank: Komerční banka  
 SWIFT: KOMBCZPPXXX  
 IBAN: CZ3501000000788108660277  
 Account No.: 78-8108660277 Bank code: 0100

**INVOICE - TAX DOCUMENT No. 10VF00867**

Variable symbol: 1000867  
 Constant Code: 0308  
 Order No.: date

Customer: Identif. number:

**Pool & Spa Enclosures, LLC**  
 237 Prospect Plains Rd.  
 Monroe Township, NJ 08831

United States

Payment: payment order  
 Invoice date: 16.06.2010  
 Due date: 30.06.2010  
 Date of a taxable supply: 16.06.2010

Receiver:

Description	Q'ty	Unit price	Discount	Price	%VAT	VAT	Total
Fakturuje Vám dodávku střešní hliníkové konstrukce - v rozloženém stavu							
We invoice you							
Aluminium roofing construction, type Universe 5,69x12,649x2,007 m, Client: Pat Riley, Edmons WA 98028	1 ks	8,077.50		8,077.50	0%	0.00	8,077.50
transport	1	3,464.00		3,464.00	0%	0.00	3,464.00
Total amount				11,541.50		0.00	11,541.50
Rounding							0.50
<b>TOTAL DUE</b>				Currency EUR			<b>11,542.00</b>

goods is dismantled in parts  
 Container: PONU1281021  
 Total: 1 coll  
 Brutto: 1690 kg Netto: 1260 kg  
 Incoterms 2000: DDU Edmons, WA 98028  
 Country of origin: Czech Republic

Plnění je osvobozeno od DPH podle §68 zákona o dani z přidané hodnoty s nárokem na odpočet daně.

Issuer: Jilka Slaninová  
 j.slavinova@alukov.cz

	Recapitulation in CZK:	Tax base in CZK	% VAT	VAT in CZK	Total in CZK
Foreigner exchange rate used:	25.51 CZK	294 435.42	0%	0.00	0.00
Quantity:	1 EUR	0.00	10%	0.00	0.00
		0.00	20%	0.00	0.00

Recipient:

Official stamp:

Economic and Information system POHODA

## Alukov HZ spol. s r.o.

Supplier:  
Alukov HZ spol. s r.o.  
Orel 18  
538 21 Slatiňany  
Česko

Identif. number: 64257746  
Tax identity: CZ64257746  
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Mobile phone: 602 141 869  
Fax: 469 681 488  
E-mail: alukov@alukov.cz  
www.alukov.cz

Issuing Bank: Komerční banka  
SWIFT: KOMBCZPPXXX  
IBAN: CZ3501000000768108660277  
Account No.: 78-8108660277

Bank code: 0100

## INVOICE - TAX DOCUMENT No. 10VF01585

Variable symbol: 1001585  
Constant Code: 0308  
Order No.: date

Customer: Identif. number:

Pool & Spa Enclosures, LLC  
237 Prospect Plains Rd.  
Monroe Township, NJ 08831

United States

Payment: payment order  
Invoice date: 16.09.2010  
Due date: 30.09.2010  
Date of a taxable supply: 16.09.2010

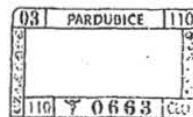
Receiver:

Description	Q'ty	Unit price	Discount	Price	%VAT	VAT	Total
Fakturuje Vám dodávku střešní hliníkové konstrukce - v rozloženém stavu							
We invoice you							
Aluminium roofing construction, type Viva 2743x4166x1212 mm, Client: Raymond Zenklich	1 ks	3,984.03		3,984.03	0%	0.00	3,984.03
Aluminium roofing construction, type Tropea 5690x14833x1950 mm, Client: George November	1 ks	14,488.94		14,488.94	0%	0.00	14,488.94
Total amount				18,452.97		0.00	18,452.97
Rounding							0.03
<b>TOTAL DUE</b>					Currency EUR		<b>18,463.00</b>

goods is dismantled in parts  
Container:KKFU 718213-7  
Total: 2 colli  
Brutto: 2210kg Netto: 1740kg  
Country of origin: Czech Republic

Plnění je osvobozeno od DPH podle §66 zákona o dani z přidané hodnoty s nárokem na odpočet daně.

Issuer: Jitka Slanínová  
j.slavinova@alukov.cz



	Recapitulation in CZK:	Tax base in CZK	% VAT	VAT in CZK	Total in CZK
Foreigner exchange rate used:	24.85 CZK	458 557.05	0%		
Quantity:	1 EUR	0.00	10%	0.00	0.00
		0.00	20%	0.00	0.00

Recipient:

Official stamp:

Economic and information system POHODA



## Alukov HZ spol. s r.o.

Supplier:  
Alukov HZ spol. s r.o.  
Orel 18  
538 21 Slatiňany  
Česko

Identif. number: 64257746  
Tax identity: CZ64257746  
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Issuing Bank: Komerční banka  
SWIFT: KOMBOPPPXXX  
IBAN: CZ3501000000788108660277  
Account No.: 78-8108660277 Bank code: 0100

## INVOICE - TAX DOCUMENT No. 10VF01619

Variable symbol: 1001619  
Constant Code: 0308  
Order No.: date

Customer: Identif. number:

Pool & Spa Enclosures, LLC  
237 Prospect Plains Rd.  
Monroe Township, NJ 08831

United States

Payment: payment order  
Invoice date: 23.09.2010  
Due date: 07.10.2010  
Date of a taxable supply: 23.09.2010

Receiver:

Description	Q'ty	Unit price	Discount	Price	%VAT	VAT	Total
-------------	------	------------	----------	-------	------	-----	-------

Fakturuje Vám dodávku střešní hliníkové konstrukce - v rozloženém stavu

We invoice you

Aluminium roofing construction, type Laguna 4724x2350x2438/2743 mm, Client: Roman	1 ks	27,660.20		27,660.20	0%	0.00	27,660.20
---	------	-----------	--	-----------	----	------	-----------

Aluminium roofing construction, type Orlando d. 5m, Client: Gerry Van De Hei	1 ks	4,500.00		4,500.00	0%	0.00	4,500.00
--	------	----------	--	----------	----	------	----------

Total amount				32,160.20		0.00	32,160.20
--------------	--	--	--	-----------	--	------	-----------

Rounding						-0.20	-0.20
----------	--	--	--	--	--	-------	-------

TOTAL DUE				Currency EUR			32,160.00
-----------	--	--	--	--------------	--	--	-----------

goods is dismantled in parts							
------------------------------	--	--	--	--	--	--	--

Container: HLXU461146-8							
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Total: 9 colli							
----------------	--	--	--	--	--	--	--

Brutto: 3190 kg Netto: 2730 kg							
--------------------------------	--	--	--	--	--	--	--

Country of origin: Czech Republic							
-----------------------------------	--	--	--	--	--	--	--

mr. Roman Karnaoukhov							
-----------------------	--	--	--	--	--	--	--

606 Rockaway Street							
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Staten Island							
---------------	--	--	--	--	--	--	--

NY 10307							
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US							
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**Alukov HZ spol. s r.o.**

Supplier:  
**Alukov HZ spol. s r.o.**  
 Orel 18  
 538 21 Slatiňany  
 Česko

Identif. number: 64257746  
 Tax identity: CZ64257746  
 Telephone: 469 681 488  
 Mobile phone: 602 141 999  
 Fax: 469 681 488  
 E-mail: alukov@alukov.cz  
 www.alukov.cz

Issuing Bank: Komerční banka  
 SWIFT: KOMBCZPPXXX  
 IBAN: CZ3501000000788108660277  
 Account No.: 78-8108660277 Bank code: 0100

**INVOICE - TAX DOCUMENT No. 10VF01738**

Variable symbol: 1001738  
 Constant Code: 0308  
 Order No.: date

Customer: Identif. number:

**Pool & Spa Enclosures, LLC**  
 237 Prospect Plains Rd.  
 Monroe Township, NJ 08831

United States

Payment: payment order  
 Invoice date: 07.10.2010  
 Due date: 21.10.2010  
 Date of a taxable supply: 07.10.2010

Receiver:

Description	Q'ty	Unit price	Discount	Price	%VAT	VAT	Total
Fakturuje Vám dodávku střešní hliníkové konstrukce - v rozloženém stavu							
We invoice you							
Aluminium roofing construction, type Laguna 8230x16764x2743 mm, Client: Linda Coleman 1680 8th St. Hammond OR 97121	1 ks	30,093.30		30,093.30	0%	0.00	30,093.30
Total amount				30,093.30		0.00	30,093.30
Rounding						-0.30	
<b>TOTAL DUE</b>				Currency EUR			<b>30,093.00</b>

goods is dismantled in parts  
 Container: HLXU 460829-0  
 Total: 1 coll  
 Brutto: 2130 kg Netto: 1750 kg  
 Country of origin: Czech Republic

Plnění je osvobozeno od DPH podle §66 zákona o dani z přidané hodnoty s nárokem na odpočet daně.

Issuer: Jitka Stanínová  
 j.staninova@alukov.cz

**Alukov**  
 ALUKOV HZ spol. s r.o.  
 Orel 18, 538 21 Slatiňany  
 tel: +420 469 681 488, fax: +420 469 681 321  
 IC: 64257746 DIČ: CZ64257746  
 www.alukov.cz

Recapitulation in CZK:		Tax base in CZK		% VAT	VAT in CZK	Total in CZK
Foreigner exchange rate used	24.61 CZK	740 588.73	0%			
Quantity:	1 EUR	0.00	10%	0.00	0.00	
		0.00	20%	0.00	0.00	

Recipient:

Official stamp:

Economic and information system POHODA

Alukov HZ spol. s r.o.

Supplier:  
Alukov HZ spol. s r.o.  
Orel 18  
538 21 Slatiňany  
Česko

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www.alukov.cz

Issuing Bank: Komerční banka  
SWIFT: KOMBCZPPXXX  
IBAN: CZ350100000788108660277  
Account No.: 78-8108660277 Bank code: 0100

## INVOICE - TAX DOCUMENT No. 10VF01544

Variable symbol: 1001544  
Constant Code: 0308  
Order No.: date

Customer: Identif. number:

Pool & Spa Enclosures, LLC  
237 Prospect Plains Rd.  
Monroe Township, NJ 08831

United States

Payment: payment order Receiver:  
Invoice date: 10.09.2010  
Due date: 24.09.2010  
Date of a taxable supply: 10.09.2010

Description	Q'ty	Unit price	Discount	Price	%VAT	VAT	Total
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Fakturuje Vám dodávku střešní hliníkové konstrukce - v rozloženém stavu

We invoice you

Aluminium roofing construction, type Veranda 326x539x3048 mm, Client: Bill Wenger	1 ks	5 640.00		5 640.00	0%	0.00	5 640.00
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Aluminium roofing construction, type Veranda 385x692x3353 mm, Client: Stanley Tylecki	1 ks	8 318.00		8 318.00	0%	0.00	8 318.00
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Aluminium roofing construction, type Imporia 472x2948x1156 mm, Client Kce & Cynthia Hollingsworth	1 ks	3 991.70		3 991.70	0%	0.00	3 991.70
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Parts aluminium construction - door, Client: Galecki	1 ks	280.00		280.00	0%	0.00	280.00
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Total amount				18,229.70		0.00	18,229.70
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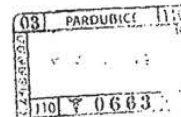
Rounding							0.30
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TOTAL DUE						Currency EUR	18,230.00
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goods is dismantled in parts  
Container:KKFU 732809-4  
Total : 38 colli  
Brutto: 2154 kg Netto: 1730 kg  
Country of origin: Czech Republic

Plnění je osvobozeno od DPH podle §66 zákona o dani z přidané hodnoty s nárokem na odpočet daně

Issuer: Jitka Slaninová  
j.slavinova@alukov.cz



	Recapitulation in CZK:	Tax base in CZK	% VAT	VAT in CZK	Total in CZK
Foreigner exchange rate used:	24.85 CZK	453 015.50	0%		
Quantity:	1 EUR	0.00	10%	0.00	0.00
		0.00	20%	0.00	0.00

Economic and information system POHODA

**Alukov HZ spol. s r.o.**

Supplier:  
Alukov HZ spol. s r.o.  
Orel 18  
538 21 Slatiňany  
Česko

Identif. number: 64257746  
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www.alukov.cz

Issuing Bank: Komerční banka  
SWIFT: KOMBCZPPXXX  
IBAN: CZ350100000788108660277  
Account No.: 78-8108660277

Bank code: 0100

**INVOICE - TAX DOCUMENT No. 10VF01899**

Variable symbol: 1001899  
Constant Code: 0308  
Order No.: date

Customer: Identif. number:

Pool & Spa Enclosures, LLC  
237 Prospect Plains Rd.  
Monroe Township, NJ 08831

United States

Payment: payment order  
Invoice date: 01.11.2010  
Due date: 15.11.2010  
Date of a taxable supply: 01.11.2010

Receiver:

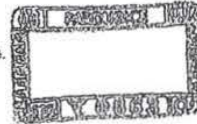
Description	Qty	Unit price	Discount	Price	%VAT	VAT	Total
Fakturuje Vám dodávku střešní hliníkové konstrukce - v rozloženém stavu							
We invoice you							
Aluminium roofing construction, type Laguna 4191x845x2311 mm, Client: Mr. Charles Kotal, 11258 Walker Rd., Mount Vernon W 98273	1 ks	7,610.00		7,610.00	0%	0.00	7,610.00

Total amount 7,610.00 0.00 7,610.00  
TOTAL DUE Currency EUR 7,610.00

goods is dismantled in parts  
Container: INKU 253145-6  
Total: 9 coll  
Brutto: 1240 kg Netto: 940 kg  
Country of origin: Czech Republic

Plnění je osvobozeno od DPH podle § 566 zákona o dani z přidané hodnoty s nárokem na odpočet daně.

Issuer: Jitka Stanínová  
j.staninova@alukov.cz



	Recapitulation in CZK	Tax base in CZK	% VAT	VAT in CZK	Total in CZK
Foreigner exchange rate used:	24.805 CZK	187 244,05	0%		
Quantity:	1 EUR	0,00	10%	0,00	0,00
		0,00	20%	0,00	0,00

Recipient:

Official stamp:

Economic and information system POHODA

**Alukov HZ spol. s r.o.**

Supplier:  
**Alukov HZ spol. s r.o.**  
**Orel 18**  
**538 21 Statihany**  
**Česko**

Identif. number: 64257746  
 Tax Identity: CZ64257746

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 Mobile phone: 802 141 989  
 Fax: 469 681 488  
 E-mail: alukov@alukov.cz  
 www.alukov.cz

Issuing Bank: Komerční banka  
 SWIFT: KOMBCZPPXXX  
 IBAN: CZ350100000788108660277  
 Account No.: 78-8108660277 Bank code: 0100

**INVOICE - TAX DOCUMENT No. 10VF01938**

Variable symbol: 1001938  
 Constant Code: 0308  
 Order No.: date

Customer: Identif. number:

**Pool & Spa Enclosures, LLC**  
**237 Prospect Plains Rd.**  
**Monroe Township, NJ 08831**

**United States**

Payment: payment order  
 Invoice date: 04.11.2010  
 Due date: 18.11.2010  
 Date of a taxable supply: 04.11.2010

Receiver:

Description	Q'ty	Unit price	Discount	Price	%VAT	VAT	Total
Fakturuje Vám dodávku střešní hliníkové konstrukce - v rozloženém stavu							
We invoice you							
Aluminium roofing construction, type	1 ks	18,176.40		18,176.40	0%	0.00	18,176.40
Tropaa 6731x14834x2311 mm, Client: Alex Korkishko 4505 So Roger drive Salt Lake City UT 84142 USA							
Total amount				18,176.40		0.00	18,176.40
Rounding							-0.40
<b>TOTAL DUE</b>				Currency EUR			<b>18,176.00</b>

goods is dismantled in parts  
 Container: MSCU 941640-1  
 Total: 1 coll  
 Brutto: 2560 kg Netto: 2210 kg  
 Country of origin: Czech Republic

Pinění je osvobozeno od DPH podle §66 zákona o dani z přidané hodnoty s nárokem na odpočet daně

Issuer: Jitka Slaninová  
 j.slavinova@alukov.cz

	Reception in CZK:	Tax base in CZK	% VAT	VAT in CZK	Total in CZK
Foreigner exchange rate used:	24.605 CZK	447 220.48	0%		
Quantity:	1 EUR	0.00	10%	0.00	0.00
		0.00	20%	0.00	0.00

Recipient:

Official stamp:

Economic and Information system POHODA

**Alukov HZ spol. s r.o.**

Supplier:  
Alukov HZ spol. s r.o.  
Orel 18  
538 21 Statilany  
Cesko

Identif. number: 64257746  
Tax identity: CZ64257746

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E-mail: alukov@alukov.cz  
www.alukov.cz

Issuing Bank: Komerční banka  
SWIFT: KOMBCZPPXXX  
IBAN: CZ3501000000788108660277  
Account No.: 78-8108660277 Bank code: 0100

Payment: payment order  
Invoice date: 05.11.2010  
Due date: 19.11.2010  
Date of a taxable supply: 05.11.2010

**INVOICE - TAX DOCUMENT No. 10VF01943**

Variable symbol: 1001943  
Constant Code: 0308  
Order No.: date

Customer: Identif. number:

**Pool & Spa Enclosures, LLC**  
237 Prospect Plains Rd.  
Monroe Township, NJ 08831

United States

Receiver:

Description	Q'ty	Unit price	Discount	Price	%VAT	VAT	Total
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Fakturuje Vam dodávku střešní hliníkové konstrukce - v rozloženém stavu

We invoice you

Aluminium roofing construction, type Sunhouse, Client: Lynn Soave	1 ks	5,200.00		5,200.00	0%	0.00	5,200.00
Aluminium roofing construction, type Laguna 6486x10566x2311 mm, Client: Dale Harper	1 ks	10,991.16		10,991.16	0%	0.00	10,991.16

Total amount	16,191.16	0.00	16,191.16
Rounding			-0.16
<b>TOTAL DUE</b>		Currency EUR	<b>16,191.00</b>

goods is dismantled in parts  
Container: KKFU 750551-7  
Total: 2 coll  
Brutto: 1730 kg Netto: 1280 kg  
Country of origin: Czech Republic

Plnění je osvobozeno od DPH podle §88 zákona o dani z přidané hodnoty, s nárokem na odpočet daně.

Issuer: Jitka Slaninová  
j.slavinova@alukov.cz

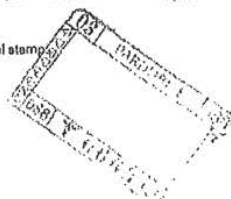
ALUKOV HZ spol. s r.o.  
Orel 18  
538 21 Statilany  
Cesko

Recapitulation in CZK:		Tax base in CZK	% VAT	VAT in CZK	Total in CZK
Foreigner exchange rate used:	24.605 CZK	398 379.56	0%		
Quantity:	1 EUR	0.00	10%	0.00	0.00
		0.00	20%	0.00	0.00

Recipient:

Official stamp

Economic and information system POHODA



**Alukov HZ spol. s r.o.**

Supplier:  
Alukov HZ spol. s r.o.  
Orel 18  
538 21 Slatiňany  
Česko

Identif. number: 64257746  
Tax identity: CZ64257746

Telephone: 469 681 488  
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Fax: 469 681 488  
E-mail: alukov@alukov.cz  
www.alukov.cz

Issuing Bank: Komerční banka  
SWIFT: KOMBCZPPXXX  
IBAN: CZ3501000000788108660277  
Account No.: 78-8108660277 Bank code: 0100

Payment: payment order  
Invoice date: 12.11.2010  
Due date: 26.11.2010  
Date of a taxable supply: 12.11.2010

**INVOICE - TAX DOCUMENT No. 10VF01989**

Variable symbol: 1001989  
Constant Code: 0308  
Order No.: date

Customer: Identif. number:

Pool & Spa Enclosures, LLC  
237 Prospect Plains Rd.  
Monroe Township, NJ 08831

United States

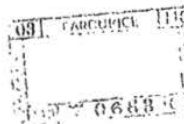
Receiver:

Description	Q'ty	Unit price	Discount	Price	%VAT	VAT	Total
Fakturuje Vám dodávku střešní hliníkové konstrukce - v rozloženém stavu							
We invoice you							
Aluminium roofing construction, type	1 ks	39,919.83		39,919.83	0%	0.00	39,919.83
Laguna Grande							
8534/3271x17059/4927x2997mm,							
Client: Dmitry Shvartsman							
Total amount				39,919.83		0.00	39,919.83
Rounding							0.17
TOTAL DUE				Currency EUR			39,920.00

goods is dismantled in parts  
Container:KKFU 755512-2  
Total: 192 colls  
Brutto: 4125 kg Netto: 4080 kg  
Country of origin: Czech Republic

Plnění je osvobozeno od DPH podle §66 zákona o dani z přidané hodnoty s nárokem na odpočet daně.

Issuer: Jitka Slaninová  
j.slantinova@alukov.cz



	Recapitulation in CZK:	Tax base in CZK	% VAT	VAT in CZK	Total in CZK
Foreigner exchange rate used:	24.605 CZK	982 231,60	0%		
Quantity:	1 EUR	0,00	10%	0,00	0,00
		0,00	20%	0,00	0,00

Recipient:

Official stamp:

Economic and Information system POHODA

**Alukov HZ spol. s r.o.**

Supplier:  
**Alukov HZ spol. s r.o.**  
 Orel 18  
 538 21 Slatiňany  
 Česko

Identif. number: 64257746  
 Tax identity: CZ64257746

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 Mobile phone: 602 141 969  
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 E-mail: alukov@alukov.cz  
 www.alukov.cz

Issuing Bank: Komerční banka  
 SWIFT: KOMBCZPPXXX  
 IBAN: CZ350100000788108660277  
 Account No.: 78-6108660277 Bank code: 0100

**INVOICE - TAX DOCUMENT No. 10VF01991**

Variable symbol: 1001991  
 Constant Code: 0308  
 Order No.: date

Customer: Identif. number:

**Pool & Spa Enclosures, LLC**  
 237 Prospect Plains Rd.  
 Monroe Township, NJ 08831

United States

Payment: payment order  
 Invoice date: 12.11.2010  
 Due date: 26.11.2010  
 Date of a taxable supply: 12.11.2010

Receiver:

Description	Q'ty	Unit price	Discount	Price	%VAT	VAT	Total
Fakturuje Vám dodávku střešní hliníkové konstrukce - v rozloženém stavu							
We invoice you							
Aluminium roofing construction, type Laguna Grande 8456x1483x2743 mm, Client: Gerry Shapiro	1 ks	32,833.67		32,833.67	0%	0.00	32,833.67
Total amount				32,833.67		0.00	32,833.67
Rounding							0.33
<b>TOTAL DUE</b>				Currency EUR			<b>32,834.00</b>

goods is dismantled in parts  
 Container: TRLU 641289-3  
 Total: 1 colli  
 Brutto: 3740 kg Netto: 3350 kg  
 Country of origin: Czech Republic

Plnění je osvobozeno od DPH podle §86 zákona o dani z přidané hodnoty s nárokem na odpočet daně.

Issuer: Jitka Slaninová  
 j.slantinova@alukov.cz



	Recepitulation in CZK:	Tax base in CZK	% VAT	VAT in CZK	Total in CZK
Foreigner exchange rate used:	24.605 CZK	807 880,57	0%		
Quantity:	1 EUR	0,00	10%	0,00	0,00
		0,00	20%	0,00	0,00

Recipient:

Official stamp:

Economic and information system POHODA



## Alukov HZ spol. s r.o.

Supplier  
Alukov HZ spol. s r.o.  
Orel 18  
538 21 Slatiňany  
Česko

Identif. number: 04257746  
Tax identity: CZ84257746

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Mobile phone: 602 141 969  
Fax: 469 681 488  
E-mail: alukov@alukov.cz  
www.alukov.cz

Issuing Bank: Komerční banka  
SWIFT: KOMBCZPPXXX  
IBAN: CZ3501000000788108660277  
Account No.: 78-8108660277 Bank code: 0100

## INVOICE - TAX DOCUMENT No. 10VF02008

Variable symbol: 1002008  
Constant Code: 0308  
Order No. date

Customer: Identif. number:

Pool & Spa Enclosures, LLC  
237 Prospect Plains Rd.  
Monroe Township, NJ 08831

United States

Payment: payment order Receiver:  
Invoice date: 18.11.2010  
Due date: 02.12.2010  
Date of a taxable supply: 18.11.2010

Description	Q'ty	Unit price	Discount	Price	%VAT	VAT	Total
Fakturuje Vám dodávku střešní hliníkové konstrukce - v rozloženém stavu							
We invoice you							
Aluminium roofing construction, type	1 ks	9,450.00		9,450.00	0%	0.00	9,450.00
Universe 5916x12040x2311 mm, Client: Paul Nolan 1264 Jones Rd. Ithaca NY 13357 USA							
Total amount				9,450.00		0.00	9,450.00
TOTAL DUE				Currency EUR			9,450.00

goods is dismantled in parts  
Container: HMCU 900052-6  
Total: 1 colli  
Brutto: 1385 kg Netto: 1050 kg  
Country of origin: Czech Republic

Plnění je osvobozeno od DPH podle §66 zákona o dani z přidané hodnoty s nárokem na odpočet daně.

Issuer: Jilka Slaninová  
j.slavinova@alukov.cz

	Recapitulation in CZK:		Tax base in CZK	% VAT	VAT in CZK	Total in CZK
Foreigner exchange rate used	24.605	CZK	232 617.25	0%		
Quantity	1	EUR	0.00	10%	0.00	0.00
			0.00	20%	0.00	0.00

Recipient:

Official stamp:

Economic and Information system PÓHODA

**Alukov HZ spol. s r.o.**

Supplier  
Alukov HZ spol. s r.o.  
Orel 18  
538 21 Staliňany  
Česko

Identif. number: 64257746  
Tax identity: CZ64257746

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Mobile phone: 602 141 989  
Fax: 469 681 488  
E-mail: alukov@alukov.cz  
www.alukov.cz

Issuing Bank: Komerční banka  
SWIFT: KOMBCZPPXXX  
IBAN: CZ3501000000788108660277  
Account No.: 78-8108660277 Bank code: 0100

**INVOICE - TAX DOCUMENT No. 10VF02010**

Variable symbol: 1002010  
Constant Code: 0308  
Order No.: date

Customer Identif. number:

Pool & Spa Enclosures, LLC  
237 Prospect Plains Rd.  
Monroe Township, NJ 08831

United States

Payment: payment order  
Invoice date: 18.11.2010  
Due date: 02.12.2010  
Date of a taxable supply: 18.11.2010

Receiver:

Description	Qty	Unit price	Discount	Price	%VAT	VAT	Total
Fakturuje Vam dodavku střešní hliníkové konstrukce - v rozloženém stavu							
We invoice you							
Aluminium roofing construction, type	1 ks	3,100.00		3,100.00	0%	0.00	3,100.00
Orlando 4m, Client: Allan Wolpowitz							
Aluminium roofing construction, type	1 ks	9,179.50		9,179.50	0%	0.00	9,179.50
Universe Progres 6242x12648x2200							
rim, Client: Pakesh Patel							
Total amount				12,279.50		0.00	12,279.50
Rounding							0.50
TOTAL DUE					Currency EUR		12,280.00

goods is dismantled in parts  
Container: EMCU 943382-6  
Total: 2 colli  
Brutto: 2150 kg Netto: 1630 kg  
Country of origin: Czech Republic

Plnění je osvobozeno od DPH podle §68 zákona o dani z přidané hodnoty s nárokem na odpočet daně.

Issuer: Jitka Slaninová  
j.slavinova@alukov.cz

	Recapitulation in CZK	Tax base in CZK	% VAT	VAT in CZK	Total in CZK
Foreigner exchange rate used:	24.605 CZK	302 149.40	0%		
Quantity	1 EUR	0.00	10%	0.00	0.00
		0.00	20%	0.00	0.00

Recipient

Official stamp:

Economic and Information system POHODA

**Alukov HZ spol. s r.o.**

Supplier:  
**Alukov HZ spol. s r.o.**  
**Orel 18**  
**538 21 Slatiňany**  
**Česko**

Identif. number: 64267746  
 Tax Identity: CZ64267746

Telephone: 469 681 488  
 Mobile phone: 602 141 989  
 Fax: 469 681 488  
 E-mail: alukov@alukov.cz  
 www.alukov.cz

Issuing Bank: Komerční banka  
 SWIFT: KOMBCZPPXXX  
 IBAN: CZ350100000788108660277  
 Account No.: 78-8108660277 Bank code: 0100

**INVOICE - TAX DOCUMENT No. 11VF00026**

Variable symbol: 1100026  
 Constant Code: 0308  
 Order No.: date

Customer: Identif. number:

**Pool & Spa Enclosures, LLC**  
**237 Prospect Plains Rd.**  
**Monroe Township, NJ 08831**

United States

Payment: payment order  
 Invoice date: 25.01.2011  
 Due date: 08.02.2011  
 Date of a taxable supply: 25.01.2011

Receiver:

Description	Q'ty	Unit price	Discount	Price	%VAT	VAT	Total
Fakturuje Vám dodávku střešní hliníkové konstrukce - v rozloženém stavu							
We invoice you							
Aluminium roofing construction, type Laguna 6731x14834x2743 mm, Client: Richard Jolly	1 ks	17,817.84		17,817.84	0%	0.00	17,817.84
Total amount				17,817.84		0.00	17,817.84
Rounding							0.16
<b>TOTAL DUE</b>					Currency EUR		<b>17,818.00</b>

goods is dismantled in parts  
 1 coil  
 Container: TOLU 477243-1  
 Brutto: 2665 kg Netto: 2160 kg  
 Country of origin: Czech Republic

Piněň je osvobozeno od DPH podle § 66 zákona o dani z přidané hodnoty s nárokem na odpočet daně.

Issuer: Jitka Staninová  
 j.staninova@alukov.cz

**Alukov**  
 ALUKOV HZ spol. s r.o.  
 Orel 18, 538 21 Slatiňany  
 IČ: 64267746 DIČ: CZ64267746  
 Rozsah platnosti v CZK:

Foreigner exchange rate used:	25.08 CZK	Tax base in CZK	% VAT	VAT in CZK	Total in CZK
Quantity:	1 EUR	446 519,08	0%		
		0,00	10%	0,00	0,00
		0,00	20%	0,00	0,00

Recipient:

Official stamp:

Economic and Information system POHODA

**Alukov HZ spol. s r.o.**

Supplier:  
**Alukov HZ spol. s r.o.**  
 Orel 18  
 538 21 Slatiňany  
 Česko

Identif. number:: 64257746  
 Tax identity: CZ64257746

Telephone: 469 681 488  
 Mobile phone: 602 141 969  
 Fax: 469 681 488  
 E-mail: alukov@alukov.cz  
 www.alukov.cz

Issuing Bank: Komerční banka  
 SWIFT: KOMBCZPPXXX  
 IBAN: CZ3501000000788108660277  
 Account No.: 78-8108660277 Bank code: 0100

**INVOICE - TAX DOCUMENT No. 11VF00052**

Variable symbol: 1100052  
 Constant Code: 0308  
 Order No.: date

Customer: Identif. number:

**Pool & Spa Enclosures, LLC**  
 237 Prospect Plains Rd.  
 Monroe Township, NJ 08831

United States

Payment: payment order  
 Invoice date: 03.02.2011  
 Due date: 17.02.2011  
 Date of a taxable supply: 03.02.2011

Receiver:

Description	Q'ty	Unit price	Discount	Price	%VAT	VAT	Total
Fakturuje Vám dodávku střešní hliníkové konstrukce - v rozloženém stavu							
We invoice you							
Aluminium roofing construction, type	1 ks	12,881.43		12,881.43	0%	0.00	12,881.43
Universe 6731x14834x2311 mm,							
Client: Dave Lauck							
Total amount				12,881.43		0.00	12,881.43
Rounding							-0.43
<b>TOTAL DUE</b>				Currency EUR			<b>12,881.00</b>

goods is dismantled in parts  
 1 colli  
 Container: GATU 843382-9  
 Brutto: 1935 kg Netto: 1555 kg  
 Country of origin: Czech Republic

Plnění je osvobozeno od DPH podle § 86 zákona o dani z přidané hodnoty s nárokem na odpočet daně.

Issuer: Jitka Steninová  
 j.steninova@alukov.cz



**ALUKOV HZ, spol. s r.o.**  
 Orel 18, 538 21 Slatiňany  
 tel: +420 469 681 488 fax: +420 469 681 321  
 IČ: 64257746 DIČ: CZ64257746  
 www.alukov.cz

Foreigner exchange rate used:	Recapitulation in CZK:	Tax base in CZK	% VAT	VAT in CZK	Total in CZK
Quantity: 24.23 CZK		312 106.83	0%		
1 EUR		0.00	10%	0.00	0.00
		0.00	20%	0.00	0.00

Recipient:

Official stamp:

Economic and Information system POHODA

**Alukov HZ spol. s r.o.**

Supplier:  
Alukov HZ spol. s r.o.  
Oral 18  
538 21 Slatiňany  
Česko

Identif. number: 64257746  
Tax identity: CZ64257746

Telephone: 469 681 488  
Mobile phone: 602 141 969  
Fax: 469 681 488  
E-mail: alukov@alukov.cz  
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Issuing Bank: Komerční banka  
SWIFT: KOMBCZPPXXX  
IBAN: CZ350100000788108660277  
Account No.: 78-8108660277 Bank code: 0100

Payment: payment order  
Invoice date: 03.02.2011  
Due date: 17.02.2011  
Date of a taxable supply: 03.02.2011

**INVOICE - TAX DOCUMENT No. 11VF00059**

Variable symbol: 1100059  
Constant Code: 0308  
Order No.: date

Customer: Identif. number:

Pool & Spa Enclosures, LLC  
237 Prospect Plains Rd.  
Monroe Township, NJ 08831

United States

Description	Q'ty	Unit price	Discount	Price	%VAT	VAT	Total
Faktujeme Vám dodávku střešní hliníkové konstrukce - v rozloženém stavu							
We invoice you							
Aluminium roofing construction, type	1 ks	17,704.55		17,704.55	0%	0.00	17,704.55
Laguna 6502x14834x2311 mm,							
Client: Hannah Jones							
Total amount				17,704.55		0.00	17,704.55
Rounding							0.45
TOTAL DUE				Currency EUR			17,705.00

goods is dismantled in parts  
1 coll  
Container: TRIU983327-4  
Brutto: 2350 kg Netto: 1985 kg  
Country of origin: Czech Republic

Pinění je osvobozeno od DPH podle § 66 zákona o dani z přidané hodnoty s nárokem na odpočet daně.

Issuer: Jitka Slaninová  
j.slavinova@alukov.cz

**Alukov**  
ALUKOV HZ, spol. s r.o.  
Oral 18, 538 21 Slatiňany  
tel: +420 469 681 488 fax: +420 469 681 321  
IC: 64257746 IČ: 1100059  
www.alukov.cz



	Recepitulation in CZK:	Tax base in CZK	% VAT	VAT in CZK	Total in CZK
Foreigner exchange rate used:	24.23 CZK	428 992.15	0%		
Quantity:	1 EUR	0.00	10%	0.00	0.00
		0.00	20%	0.00	0.00

Recipient:

Official stamp:

Economic and information system POHODA

**Alukov HZ spol. s r.o.**

Supplier:  
Alukov HZ spol. s r.o.  
Orel 18  
538 21 Slatňany  
Česko

Identif. number:: 64257748  
Tax Identity: CZ64257748

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E-mail: alukov@alukov.cz  
www.alukov.cz

Issuing Bank: Komerční banka  
SWIFT: KOMB CZPPXXX  
IBAN: CZ3501000000788108660277  
Account No.: 78-8108660277 Bank code: 0100

**INVOICE - TAX DOCUMENT No. 11VF00098**

Variable symbol: 1100098  
Constant Code: 0308  
Order No.: date

Customer: Identif. number:

Pool & Spa Enclosures, LLC  
237 Prospect Plains Rd.  
Monroe Township, NJ 08831

United States

Payment: payment order

Invoice date: 24.02.2011

Due date: 10.03.2011

Date of a taxable supply: 24.02.2011

Description	Q'ty	Unit price	Discount	Price	%VAT	VAT	Total
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Fakturuje Vám dodávku střešní hliníkové konstrukce - v rozloženém stavu

We invoice you

Aluminium roofing construction, type

Laguna 5969x10566x2311 mm,

Client: Curtis & Denise Rogers

1 ks	10,660.33		10,660.33	0%	0.00	10,660.33
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Total amount	10,660.33	0.00	10,660.33
Rounding			-0.33
<b>TOTAL DUE</b>	<b>Currency EUR</b>		<b>10,660.00</b>

goods is dismantled in parts

1 coil

Container: TRLU814912-7

Brutto: 1255 kg Netto: 960 kg

Country of origin: Czech Republic

Plnění je osvobozeno od DPH podle § 66 zákona o dani z přidané hodnoty s nárokem na odpočet daně.

Issuer: Jilka Slaninová

j.slantinova@alukov.cz

**Alukov**  
Alukov HZ spol. s r.o.  
Orel 18, 538 21 Slatňany  
Česko  
IČ: 64257748  
DIČ: CZ64257748

	Recapitulation in CZK:	Tax base in CZK	% VAT	VAT in CZK	Total in CZK
Foreigner exchange rate used:	24.23 CZK	258 291.80	0%		
Quantity:	1 EUR	0.00	10%	0.00	0.00
		0.00	20%	0.00	0.00

Recipient:

Official stamp:

Economic and Information system POHODA

**Alukov HZ spol. s r.o.**

Supplier  
Alukov HZ spol. s r.o.  
Orel 18  
538 21 Slatiňany  
Česko

Identif. number: 84257746  
Tax identity: CZ84257746

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Mobile phone: 602 141 969  
Fax: 469 681 488  
E-mail: alukov@alukov.cz  
www.alukov.cz

Issuing Bank: Komerční banka  
SWIFT: KOMBCZPPXXX  
IBAN: CZ3501000000788108660277  
Account No.: 78-8108660277 Bank code: 0100

**INVOICE - TAX DOCUMENT No. 11VF00096**

Variable symbol: 1100096  
Constant Code: 0308  
Order No.: date

Customer. Identif. number:

Pool & Spa Enclosures, LLC  
237 Prospect Plains Rd.  
Monroe Township, NJ 08831

United States

Payment: payment order  
Invoice date: 24.02.2011  
Due date: 10.03.2011  
Date of a taxable supply: 24.02.2011

Receiver:

Description	Q'ty	Unit price	Discount	Price	%VAT	VAT	Total
Fakturuje Vam dodávku střešní hliníkové konstrukce - v rozloženém stavu							
We invoice you							
Aluminium roofing construction, type	1 ks	13,243.00		13,243.00	0%	0.00	13,243.00
Loguna 6223x1284x2311 mm,							
Client: Tisch Charette							

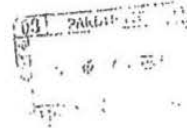
Total amount	13,243.00	0.00	13,243.00
TOTAL DUE	Currency EUR		13,243.00

goods is dismantled in parts  
1 coll  
Container: SUDU 571607-0  
Brutto: 1470 kg Netto: 1150 kg  
Country of origin: Czech Republic

Plnění je osvobozeno od DPH podle § 66 zákona o dani z přidané hodnoty s nárokem na odpočet daně.

Issuer: Jilka Staninová  
j.staninova@alukov.cz

ALUKOV HZ spol. s r.o.  
Orel 18, 538 21 Slatiňany  
tel: 469 681 488 fax: 469 681 488  
e-mail: alukov@alukov.cz



Recapitulation in CZK:		Tax base in CZK	% VAT	VAT in CZK	Total in CZK
Foreigner exchange rate used:	24.23 CZK	320 877.89	0%		
Quantity:	1 EUR	0.00	10%	0.00	0.00
		0.00	20%	0.00	0.00

Recipient:

Official stamp:

Economic and Information system POHODA

**Alukov HZ spol. s r.o.**

Supplier:  
Alukov HZ spol. s r.o.  
Orel 18  
538 21 Slatiňany  
Česko

Identif. number: 64257746  
Tax identity: CZ64257746

Telephone: 469 661 488  
Mobile phone: 602 141 989  
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E-mail: alukov@alukov.cz  
www.alukov.cz

Issuing Bank: Komerční banka  
SWIFT: KOMBGPXX  
IBAN: CZ3501000000788108860277  
Account No.: 78-8108660277 Bank code: 0100

**INVOICE - TAX DOCUMENT No. 11VF00114**

Variable symbol: 1100114  
Constant Code: 0308  
Order No.: date

Customer: Identif. number:

**Pool & Spa Enclosures, LLC**  
237 Prospect Plains Rd,  
Monroe Township, NJ 08831

United States

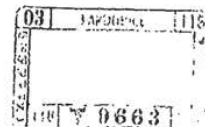
Payment: payment order  
Invoice date: 03.03.2011  
Due date: 17.03.2011  
Date of a taxable supply: 03.03.2011

Receiver:

Description	Q'ty	Unit price	Discount	Price	%VAT	VAT	Total
Fakturuje Vam dodávku střešní hliníkové konstrukce - v rozloženém stavu							
We invoice you							
Aluminium roofing construction, type	1 ks	14,073.57		14,073.57	0%	0.00	14,073.57
Universe 6223x14834x2184 mm, Client: Larry Brown							

Total amount	14,073.57	0.00	14,073.57
Rounding			0.43
<b>TOTAL DUE</b>	Currency EUR		<b>14,074.00</b>

goods is dismantled in parts  
1 coll  
Container: MSCU 798663-7  
Brutto: 2010 kg Netto: 1705 kg  
Country of origin: Czech Republic



Plnění je osvobozeno od DPH podle § 66 zákona o dani z přidané hodnoty s nárokem na odpočet daně.

Issuer: Jitka Slaninová  
j.slantinova@alukov.cz

Recapitulation in CZK:		Tax base in CZK	% VAT	VAT in CZK	Total in CZK
Foreigner exchange rate used:	24,35 CZK	342 701,90	0%		
Quantity:	1 EUR	0,00	10%	0,00	0,00
		0,00	20%	0,00	0,00

Recipient:

Official stamp:

Economic and Information system POHODA



**Alukov HZ spol. s r.o.**

Supplier:  
Alukov HZ spol. s r.o.  
Orel 18  
538 21 Slatiňany  
Česko

Identif. number: 64257746  
Tax identity: CZ64257746

Telephone: 469 881 488  
Mobile phone: 602 141 969  
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E-mail: alukov@alukov.cz  
www.alukov.cz

Issuing Bank: Komerční banka  
SWIFT: KOMBCZPPXXX  
IBAN: CZ350100000788108660277  
Account No.: 78-8108660277 Bank code: 0100

**INVOICE - TAX DOCUMENT No. 11VF00180**

Variable symbol: 1100180  
Constant Code: 0309  
Order No.: date

Customer: Identif. number:

Pool & Spa Enclosures, LLC  
237 Prospect Plains Rd.  
Monroe Township, NJ 08831

United States

Payment: payment order  
Invoice date: 17.03.2011  
Due date: 31.03.2011  
Date of a taxable supply: 17.03.2011

Receiver:

Description	Q'ty	Unit price	Discount	Price	%VAT	VAT	Total
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Fakturuje Vám dodávku střešní hliníkové konstrukce - v rozloženém stavu

We invoice you

Aluminium roofing construction, type  
Laguna 6223x1483x2842 mm,  
Client: Joe Araujo

Aluminium roofing construction, type	1 ks	17,257.34		17,257.34	0%	0.00	17,257.34
--------------------------------------	------	-----------	--	-----------	----	------	-----------

Total amount	17,257.34	0.00	17,257.34
Rounding			-0.34
<b>TOTAL DUE</b>	<b>Currency EUR</b>		<b>17,257.00</b>

goods is dismantled in parts  
1 coll  
Container: HLXU 564598-2  
Brutto: 1646 kg Netto: 1325 kg  
Country of origin: Czech Republic

Plnění je osvobozeno od DPH podle § 65 zákona o dani z přidané hodnoty s nárokem na odpočet daně.

Issuer: Jitka Staninová  
j.staninova@alukov.cz

**Alukov**  
ALUKOV HZ spol. s r.o.  
Orel 18, 538 21 Slatiňany  
tel: +420 469 881 488, fax: +420 469 881 321  
e-mail: alukov@alukov.cz  
www.alukov.cz

	Recapitulation in CZK:	Tax base in CZK	% VAT	VAT in CZK	Total in CZK
Foreigner exchange rate used:	24.35 CZK	420 207.95	0%		
Quantity:	1 EUR	0.00	10%	0.00	0.00
		0.00	20%	0.00	0.00

Recipient:

Official stamp:

Economic and information system POHODA

**Alukov HZ spol. s r.o.**

Supplier:  
**Alukov HZ spol. s r.o.**  
 Orel 18  
 538 21 Slatiňany  
 Česko

Identif. number: 64257746  
 Tax Identity: CZ64257746

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 Mobile phone: 602 141 969  
 Fax: 469 881 488  
 E-mail: alukov@alukov.cz  
 www.alukov.cz

Issuing Bank: Komerční banka  
 SWIFT: KOMBCZPPXXX  
 IBAN: CZ3501000000788108660277  
 Account No.: 78-8108660277 Bank code: 0100

**INVOICE - TAX DOCUMENT No. 11VF00223**

Variable symbol: 1100223  
 Constant Code: 0308  
 Order No.: date

Customer: Identif. number:

**Pool & Spa Enclosures, LLC**  
**237 Prospect Plains Rd.**  
**Monroe Township, NJ 08831**

United States

Payment: payment order  
 Invoice date: 23.03.2011  
 Due date: 06.04.2011  
 Date of a taxable supply: 23.03.2011

Receiver:

Description	Q'ty	Unit price	Discount	Price	%VAT	VAT	Total
Fakturuje Vám dodávku střešní hliníkové konstrukce - v rozloženém stavu							
We invoice you							
Aluminium roofing construction, type	1 ks	5,643.00		5,643.00	0%	0.00	5,643.00
Viva 2,076x12,295x0,914 m, Client:							
John De Neuville							
Aluminium roofing construction, type	1 ks	7,294.20		7,294.20	0%	0.00	7,294.20
Universe 5,231x10,665x2000 m,							
Client: Tony Vigna							
Total amount				12,937.20		0.00	12,937.20
Rounding							-0.20
<b>TOTAL DUE</b>				Currency EUR			<b>12,937.00</b>

goods is dismantled in parts  
 2 coll  
 Container: EISU994505-5  
 Brutto: 1873 kg Netto: 1460 kg  
 Country of origin: Czech Republic



Plnění je osvobozeno od DPH podle § 68 zákona o dani z přidané hodnoty s nárokem na odpočet daně.

Issuer: Jitka Slaninová  
 j.slantinova@alukov.cz  
 Alukov HZ, spol. s r.o.  
 Orel 18, 538 21 Slatiňany  
 tel: +420 469 881 488, fax: +420 469 881 321  
 IČ: 64257746, DIČ: CZ64257746  
 www.alukov.cz

Recapitulation in CZK:		Tax base in CZK	% VAT	VAT in CZK	Total in CZK
Foreigner exchange rate used:	24.35 CZK	315 015.95	0%		
Quantity:	1 EUR	0.00	10%	0.00	0.00
		0.00	20%	0.00	0.00

Recipient:

Official stamp:

Economic and Information system POHODA

**Alukov HZ spol. s r.o.**

Supplier:  
Alukov HZ spol. s r.o.  
Oral 18  
538 21 Slatiňany  
Česko

Identif. number: 64257746  
Tax identity: CZ64257746

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Mobile phone: 602 141 889  
Fax: 469 681 488  
E-mail: alukov@alukov.cz  
www.alukov.cz

Issuing Bank: Komerční banka  
SWIFT: KOMBGZPPXXX  
IBAN: CZ3501000000788108660277  
Account No.: 78-8108660277 Bank code: 0100

Payment: payment order  
Invoice date: 24.03.2011  
Due date: 07.04.2011  
Date of a taxable supply: 24.03.2011

**INVOICE - TAX DOCUMENT No. 11VF00225**

Variable symbol: 1100225  
Constant Code: 0308  
Order No.: date

Customer: Identif. number:

Pool & Spa Enclosures, LLC  
237 Prospect Plains Rd.  
Monroe Township, NJ 08831

United States

Description	Q'ty	Unit price	Discount	Price	%VAT	VAT	Total
Fakturuje Vam dodávku střešní hliníkové konstrukce - v rozloženém stavu							
We invoice you							
Aluminium roofing construction, type Orlando d.4,00 m, Client: Dave Scholler	1 ks	3,100.00		3,100.00	0%	0.00	3,100.00
Aluminium roofing construction, type Universe V 8,24x12,648x2,200 m, Client: Joe Perez	1 ks	8,190.00		8,190.00	0%	0.00	8,190.00
Total amount				11,290.00		0.00	11,290.00
TOTAL DUE				Currency EUR			11,290.00

goods is dismantled in parts  
2 coll  
Container: GESU 6204388  
Brutto: 2100 kg Netto: 1650 kg  
Country of origin: Czech Republic

Plnění je osvobozeno od DPH podle § 65 zákona o dani z přidané hodnoty s nárokem na odpočet daně.

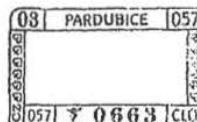
Issuer: Jilka Staninová  
j.staninova@alukov.cz  
ALUKOV HZ spol. s r.o.  
Oral 18 538 21 Slatiňany  
tel: +420 469 681 488 fax: +420 469 681 321  
e-mail: 64257746@alukov.cz  
www.alukov.cz

Recapitulation in CZK:	Tax base in CZK	% VAT	VAT in CZK	Total in CZK
Foreign exchange rate used: 24.35 CZK	274 911,60	0%		
Quantity: 1 EUR	0,00	10%	0,00	0,00
	0,00	20%	0,00	0,00

Recipient:

Official stamp:

Economic and information system POHODA



**Alukov HZ spol. s r.o.**

Supplier:  
**Alukov HZ spol. s r.o.**  
 Orel 18  
 538 21 Slatiňany  
 Česko

Identif. number: 64257746  
 Tax identity: CZ64257746

Telephone: 469 681 488  
 Mobile phone: 602 141 969  
 Fax: 469 681 488  
 E-mail: alukov@alukov.cz  
 www.alukov.cz

Issuing Bank: Komerční banka  
 SWIFT: KOMBCZPPXXX  
 IBAN: CZ3501000000788108660277  
 Account No.: 78-8108660277 Bank code: 0100

**INVOICE - TAX DOCUMENT No. 11VF00301**

Variable symbol: 1100301  
 Constant Code: 0308  
 Order No.: date

Customer: Identif. number:

**Pool & Spa Enclosures, LLC**  
 237 Prospect Plains Rd.  
 Monroe Township, NJ 08831

United States

Payment: payment order

Receiver:

Invoice date: 04.04.2011

Due date: 18.04.2011

Date of a taxable supply: 04.04.2011

Description	Q'ty	Unit price	Discount	Price	%VAT	VAT	Total
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Fakturuje Vám dodávku střešní hliníkové konstrukce - v rozloženém stavu

We invoice you

Aluminium roofing construction, type

Laguna 5969x12675x2743 mm,

Client: Greg Wilson

Total amount	14,082.82	0.00	14,082.82
Rounding			0.18
<b>TOTAL DUE</b>	<b>Currency EUR</b>		<b>14,083.00</b>

goods is dismantled in parts

3 colls

Container: HLXU565842-3

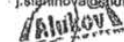
Brutto: 1947 kg Netto: 1625 kg

Country of origin: Czech Republic

INCOTERMS 2000: FCA Orel

Plnění je osvobozeno od DPH podle § 68 zákona o dani z přidané hodnoty s nárokem na odpočet daně.

Issuer: Jilka Staniňová  
 j.staninova@alukov.cz



ALUKOV HZ spol. s r.o.

Orel 18, 538 21 Slatiňany

tel: +420 469 681 488 fax: +420 469 681 321

ic: 64257746 www.alukov.cz

Foreigner exchange rate used:

Recapitulation in CZK:

24.54 CZK

Quantity:

1 EUR

Tax base in CZK

% VAT

VAT in CZK

Total in CZK

345 596,82 0%

0,00 10%

0,00 20%

0,00

0,00

0,00

0,00

Recipient:

Official stamp:

Economic and information system POHODA

**Alukov HZ spol. s r.o.**

Supplier:  
**Alukov HZ spol. s r.o.**  
**Orel 18**  
**638 21 Slatiňany**  
**Česko**

Identif. number: 64257746  
 Tax identity: CZ64257746

Telephone: 469 881 488  
 Mobile phone: 602 141 969  
 Fax: 469 881 488  
 E-mail: alukov@alukov.cz  
 www.alukov.cz

Issuing Bank: Komerční banka  
 SWIFT: KOMBCZPPXXX  
 IBAN: CZ350100000788108660277  
 Account No.: 78-8108660277 Bank code: 0100

**INVOICE - TAX DOCUMENT No. 11VF00799**

Variable symbol: 1100799  
 Constant Code: 0308  
 Order No.: date

Customer: Identif. number:

**Pool & Spa Enclosures, LLC**  
**237 Prospect Plains Rd.**  
**Monroe Township, NJ 08831**

United States

Payment: payment order  
 Invoice date: 02.06.2011  
 Due date: 16.06.2011  
 Date of a taxable supply: 02.06.2011

Receiver:

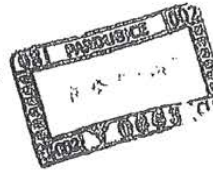
Description	Q'ty	Unit price	Discount	Price	%VAT	VAT	Total
Fakturuje Vám dodávku střešní hliníkové konstrukce - v rozloženém stavu							
We invoice you							
Aluminium roofing construction, type	1 ks	33,547.91		33,547.91	0%	0.00	33,547.91
Style 7214x1696x2743 mm, Client: Steve Jonell							

Total amount	33,547.91	0.00	33,547.91
Rounding			0.09
<b>TOTAL DUE</b>	Currency EUR		<b>33,548.00</b>

goods is dismantled in parts  
 71 coil  
 Container: SUDU 655809-3  
 Brutto: 3395 kg Netto: 3380 kg  
 Country of origin: Czech Republic

Plnění je osvobozeno od DPH podle § 66 zákona o dani z přidané hodnoty s nárokem na odpočet daně.

Issuer: Jitka Slaninová  
 j.slantinova@alukov.cz



	Recapitulation in CZK:	Tax base in CZK	% VAT	VAT in CZK	Total in CZK
Foreigner exchange rate used:	24.54 CZK	823 267.92	0%		
Quantity:	1 EUR	0.00	10%	0.00	0.00
		0.00	20%	0.00	0.00

Recipient:

Official stamp:

Economic and information system POHODA

**Alukov HZ spol. s r.o.**

Supplier:  
**Alukov HZ spol. s r.o.**  
 Orel 18  
 638 21 Slatiňany  
 Česko

Identif. number: 64257746  
 Tax Identif.: CZ64257746

Telephone: 469 681 488  
 Mobile phone: 602 141 969  
 Fax: 469 681 488  
 E-mail: alukov@alukov.cz  
 www.alukov.cz

Issuing Bank: Komerční banka  
 SWIFT: KOMBCZPPXXX  
 IBAN: CZ3501000000788108660277  
 Account No.: 78-8108660277 Bank code: 0100

**INVOICE - TAX DOCUMENT No. 11VF01025**

Variable symbol: 1101025  
 Constant Code: 0308  
 Order No.: date

Customer: Identif. number:

**Pool & Spa Enclosures, LLC**  
 237 Prospect Plains Rd.  
 Monroe Township, NJ 08831

United States

Payment: payment order  
 Invoice date: 22.06.2011  
 Due date: 06.07.2011  
 Date of a taxable supply: 22.06.2011

Receiver:

Description	Q'ty	Unit price	Discount	Price	%VAT	VAT	Total
Fakturuje Vám dodávku střešní hliníkové konstrukce - v rozloženém stavu							
We invoice you							
Aluminium roofing construction, type	1 ks	8,305.61		8,305.61	0%	0.00	8,305.61
Universe combi							
2743/4216x15800x1925 mm, Client:							
Martin Schneider							
Aluminium roofing construction, type	1 ks	6,000.00		6,000.00	0%	0.00	6,000.00
Universe III 5232x8360x2007 mm,							
Client: Seaglass Pools							
Total amount				14,305.61		0.00	14,305.61
Rounding							0.39
<b>TOTAL DUE</b>				Currency EUR			<b>14,306.00</b>

goods is dismantled in parts  
 2 coil  
 Container: KLFU101767-7  
 Brutto: 2270 kg Netto: 1810 kg  
 Country of origin: Czech Republic

Plnění je osvobozeno od DPH podle § 66 zákona o dani z přidané hodnoty s nárokem na odpočet daně

Issuer: Jitka Staninová  
 j.staninova@alukov.cz

**ALUKOV HZ spol. s r.o.**  
 Orel 18, 638 21 Slatiňany  
 tel: +420 469 681 488, fax: +420 469 681 321  
 tel: +420 469 681 488, fax: +420 469 681 321  
 tel: +420 469 681 488, fax: +420 469 681 321  
 www.alukov.cz

	Recapitulation in CZK:	Tax base in CZK	% VAT	VAT in CZK	Total in CZK
Foreigner exchange rate used:	24.54 CZK	351 069.24	0%		
Quantity:	1 EUR	0.00	10%	0.00	0.00
		0.00	20%	0.00	0.00

Economic and Information system POHODA

**Alukov HZ spol. s r.o.****INVOICE - TAX DOCUMENT No. 11VF01537**

Supplier:  
Alukov HZ spol. s r.o.  
Orel 18  
538 21 Slatiňany  
Česko

Identif. number: 64257746  
Tax identity: CZ64257746

Telephone: 469 881 488  
Mobile phone: 602 141 969  
Fax: 469 881 488  
E-mail: alukov@alukov.cz  
www.alukov.cz

Issuing Bank: Komerční banka  
SWIFT: KOMBCZPPXXX  
IBAN: CZ3601000000788108660277  
Account No.: 78-8108660277 Bank code: 0100

Variable symbol: 1101537  
Constant Code: 0308  
Order No.: date

Customer: Identif. number:

Pool & Spa Enclosures, LLC  
237 Prospect Plains Rd.  
Monroe Township, NJ 08831

United States

Payment: payment order  
Invoice date: 04.08.2011  
Due date: 16.08.2011  
Date of a taxable supply: 04.08.2011

Receiver:

Description	Q'ty	Unit price	Discount	Price	%VAT	VAT	Total
-------------	------	------------	----------	-------	------	-----	-------

Fakturuje Vám dodávku střešní hliníkové konstrukce - v rozloženém stavu

We invoice you

Aluminium roofing construction, type  
Leguna 5232x14834x2642 mm,  
Client: Steve Lappenga

Total amount	17,535.69	0.00	17,535.69
Rounding			0.31
<b>TOTAL DUE</b>	<b>Currency EUR</b>		<b>17,536.00</b>

goods is dismantled in parts

1 coll

Container: TOLU477860-9

Brutto: 1885 kg Netto: 1805 kg

Country of origin: Czech Republic

Plnění je osvobozeno od DPH podle § 88 zákona o dani z přidané hodnoty s nárokem na odpočet daně.

Issuer: Jitka Slanínová  
j.slantinova@alukov.cz

	Recapitulation in CZK:	Tax base in CZK	% VAT	VAT in CZK	Total in CZK
Foreigner exchange rate used:	24.19 CZK	424 195.84	0%		
Quantity:	1 EUR	0.00	10%	0.00	0.00
		0.00	20%	0.00	0.00

Recipient:

Official stamp:

Economic and information system POHODA

**Alukov HZ spol. s r.o.**

Supplier:  
**Alukov HZ spol. s r.o.**  
**Orel 18**  
**538 21 Státníhany**  
**Česko**

Identif. number: 64257746  
 Tax identity: CZ64257746

Telephone: 469 881 488  
 Mobile phone: 602 141 969  
 Fax: 469 881 488  
 E-mail: alukov@alukov.cz  
 www.alukov.cz

Issuing Bank: Komerční banka  
 SWIFT: KOMBCZPPXXX  
 IBAN: CZ350100000788108660277  
 Account No.: 78-8108660277 Bank code: 0100

**INVOICE - TAX DOCUMENT No. 11VF02033**

Variable symbol: 1102033  
 Constant Code: 0308  
 Order No.: date

Customer: Identif. number:

**Pool & Spa Enclosures, LLC**  
**237 Prospect Plains Rd.**  
**Monroe Township, NJ 08831**

**United States**

Payment: payment order  
 Invoice date: 21.10.2011  
 Due date: 04.11.2011  
 Date of a taxable supply: 21.10.2011

Receiver:

Description	Q'ty	Unit price	Discount	Price	%VAT	VAT	Total
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Fakturuje Vám dodávku střešní hliníkové konstrukce - v rozloženém stavu

We invoice you

Aluminium roofing construction, type

Viva 2642x5029 mm, Client: Borge

Stelnsvik

Aluminium roofing construction, type

Tropea 6400x14680x2285 mm,

Client: T.W.Shih

Total amount	19,142.45	0.00	19,142.45
Rounding			-0.45
<b>TOTAL DUE</b>	<b>Currency EUR</b>		<b>19,142.00</b>

goods is dismantled in parts

coll: 2

Container: TCKU974961-8

Brutto: 2380 kg Netto: 1935 kg

Country of origin: Czech Republic

Plnění je osvobozeno od DPH podle § 68 zákona o dani z přidané hodnoty s nárokem na odpočet daně.

Issuer: Jitka Staninová

j.staninova@alukov.cz

ALUKOV HZ

Orel 18, 538

538 21 Státníhany

Česko

Foreigner exchange rate used:	Quantity:	Revaluation in CZK:	Tax base in CZK	% VAT	VAT in CZK	Total in CZK
24.755 CZK	1 EUR		473 860.21	0%		
			0.00	10%	0.00	0.00
			0.00	20%	0.00	0.00

Recipient:

Official stamp:

Economic and information system POHODA



Alukov HZ spol. s r.o.

INVOICE - TAX DOCUMENT No. 11VF01998

Supplier:  
Alukov HZ spol. s r.o.  
Orel 18  
538 21 Slatihany  
Česko

Variable symbol: 1101998  
Constant Code: 0308  
Order No.: date

Identif. number: 64257748  
Tax Identity: CZ64257748

Customer: Identif. number:

Telephone: 469 881 488  
Mobile phone: 602 141 989  
Fax: 469 881 488  
E-mail: alukov@alukov.cz  
www.alukov.cz

Pool & Spa Enclosures, LLC  
237 Prospect Plains Rd.  
Monroe Township, NJ 08831

United States

Issuing Bank: Komerční banka  
SWIFT: KOMB CZPPXXX  
IBAN: CZ3601000000788108860277  
Account No.: 78-8108660277 Bank code: 0100

Payment: payment order

Receiver:

Invoice date: 18.10.2011

Due date: 01.11.2011

Date of a taxable supply: 18.10.2011

Description	Qty	Unit price	Discount	Price	%VAT	VAT	Total
-------------	-----	------------	----------	-------	------	-----	-------

Fakturuje Vám dodávku střešní hliníkové konstrukce - v rozloženém stavu

We invoice you

Aluminium roofing construction, type universe + Venezia 7575x14388x3352 mm, Client: Domanko Gazdano	1 ks	21,691.60		21,691.60	0%	0.00	21,691.60
Aluminium roofing construction, type Orlando d.4,00 m, Client: Anatoly Naret	1 ks	3,420.00		3,420.00	0%	0.00	3,420.00

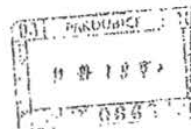
Total amount	25,111.60	0.00	25,111.60
Rounding			0.40
TOTAL DUE	Currency EUR		25,112.00

goods is dismantled in parts  
coll: 82  
Container: OOLU8858879  
Brutto: 2890 kg Netto: 2715 kg  
Country of origin: Czech Republic

Plnění je osvobozeno od DPH podle § 68 zákona o daní z přidané hodnoty s nárokem na odpočet daně.

Issuer: Jitka Slaninová  
j.slantinova@alukov.cz

ALUKOV HZ spol. s r.o.  
Orel 18  
538 21 Slatihany  
Česko  
tel: +420 469 881 488  
fax: +420 469 881 488  
e-mail: alukov@alukov.cz  
www.alukov.cz



	Recapitulation in CZK:	Tax base in CZK	% VAT	VAT in CZK	Total in CZK
Foreigner exchange rate used:	24,755 CZK	621 647,56	0%		
Quantity:	1 EUR	0,00	10%	0,00	0,00
		0,00	20%	0,00	0,00

Economic and information system FOHODA

**Alukov HZ spol. s r.o.**

Supplier:  
Alukov HZ spol. s r.o.  
Orel 18  
538 21 Slatiňany  
Česko

Identif. number: 64257746  
Tax identity: CZ64257746

Telephone: 469 681 488  
Mobile phone: 602 141 989  
Fax: 469 681 488  
E-mail: alukov@alukov.cz  
www.alukov.cz

Issuing Bank: Komerční banka  
SWIFT: KOMBCZPPXXX  
IBAN: CZ3501000000788108660277  
Account No.: 78-8108660277 Bank code: 0100

Payment: payment order  
Invoice date: 31.10.2011  
Due date: 14.11.2011  
Date of a taxable supply: 31.10.2011

**INVOICE - TAX DOCUMENT No. 11VF02094**

Variable symbol: 1102094  
Constant Code: 0308  
Order No.: date

Customer: Identif. number:

Pool & Spa Enclosures, LLC  
237 Prospect Plains Rd.  
Monroe Township, NJ 08831

United States

Description	Q'ty	Unit price	Discount	Price	%VAT	VAT	Total
Fakturuje Vám dodávku střešní hliníkové konstrukce - v rozloženém stavu							
We invoice you							
Aluminum roofing construction, type	1 ks	16,548.23		16,548.23	0%	0.00	16,548.23
Universe 7460x14732x2591 mm, Client: Shaul Kopelovitz							

Total amount	16,548.23	0.00	16,548.23
Rounding			-0.23
<b>TOTAL DUE</b>	Currency EUR		<b>16,548.00</b>

goods is dismantled in parts  
coll: 54  
Container: OOLU 837396-5  
Brutto: 2425 kg Netto: 2060 kg  
Country of origin: Czech Republic

Plnění je osvobozeno od DPH podle § 68 zákona o dani z přidané hodnoty s nárokem na odpočet daně

Issuer: Jitka Stanínová  
j.staninova@alukov.cz

tel: +420 469 681 488  
fax: +420 469 681 488



	Recapitulation in CZK	Tax base in CZK	% VAT	VAT in CZK	Total in CZK
Foreigner exchange rate used:	24.755 CZK	409 845.74	0%		
Quantity:	1 EUR	0.00	10%	0.00	0.00
		0.00	20%	0.00	0.00

Recipient:

Official stamp:

Economic and information system POHODA

Alukov HZ spol. s r.o.

INVOICE - TAX DOCUMENT No. 11VF02059

Supplier:  
**Alukov HZ spol. s r.o.**  
**Orel 18**  
**538 21 Slatiňany**  
**Česko**

Identif. number: 84257746  
 Tax Identity: CZ64257746

Telephone: 469 681 488  
 Mobile phone: 602 141 969  
 Fax: 469 681 488  
 E-mail: alukov@alukov.cz  
 www.alukov.cz

Issuing Bank: Komerční banka  
 SWIFT: KOMBCZPPXXX  
 IBAN: CZ3501000000788108660277  
 Account No.: 78-8108660277 Bank code: 0100

Variable symbol: 1102059  
 Constant Code: 0308  
 Order No.: date

Customer: Identif. number:

**Pool & Spa Enclosures, LLC**  
**237 Prospect Plains Rd.**  
**Monroe Township, NJ 08831**

United States

Payment: payment order  
 Invoice date: 27.10.2011  
 Due date: 10.11.2011  
 Date of a taxable supply: 27.10.2011

Receiver:

Description	Q'ty	Unit price	Discount	Price	%VAT	VAT	Total
Fakturuje Vám dodávku střešní hliníkové konstrukce - v rozloženém stavu							
We invoice you							
Aluminium roofing construction, type	1 ks	20,228.02		20,228.02	0%	0.00	20,228.02
Trapez/Laguna 6731x14660 mm,							
Client: Mary Jane Powell							
Total amount				20,228.02		0.00	20,228.02
Rounding							-0.02
TOTAL DUE					Currency EUR		20,228.00

goods is dismantled in parts  
 coll: 101  
 Container: OOLU803305-5  
 Brutto: 1686 kg Netto: 1670 kg  
 Country of origin: Czech Republic

Plnění je osvobozeno od DPH podle § 68 zákona o dani z přidané hodnoty s nárokem na odpočet daně.

Issuer: Jilka Slaninová  
 j.slavinova@alukov.cz

**Alukov HZ spol. s r.o.**  
 Orel 18, 538 21 Slatiňany  
 tel: +420 469 681 488  
 fax: +420 469 681 488  
 e-mail: alukov@alukov.cz  
 www.alukov.cz

	Recapitulation in CZK:	Tax base in CZK	% VAT	VAT in CZK	Total in CZK
Foreigner exchange rate used:	24.755 CZK	500 744,14	0%		
Quantity:	1 EUR	0,00	10%	0,00	0,00
		0,00	20%	0,00	0,00

Recipient:

Official stamp:

Economic and information system POHODA

**Alukov HZ spol. s r.o.**

Supplier:  
Alukov HZ spol. s r.o.  
Orel 18  
538 21 Státníany  
Česko

Identif. number: 64257746  
Tax identity: CZ64257746

Telephone: 469 681 488  
Mobile phone: 602 141 969  
Fax: 469 681 488  
E-mail: alukov@alukov.cz  
www.alukov.cz

Issuing Bank: Komerční banka  
SWIFT: KOMBCZPPXXX  
IBAN: CZ3501000000788108660277  
Account No.: 78-8108660277 Bank code: 0100

**INVOICE - TAX DOCUMENT No. 11VF02170**

Variable symbol: 1102170  
Constant Code: 0308  
Order No.: date

Customer: Identif. number:

Pool & Spa Enclosures, LLC  
237 Prospect Plains Rd.  
Monroe Township, NJ 08831

United States

Payment: payment order  
Invoice date: 07.11.2011  
Due date: 21.11.2011  
Date of a taxable supply: 07.11.2011

Receiver:

Description	Q'ty	Unit price	Discount	Price	%VAT	VAT	Total
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Fakturuje Vám dodávku střešní hliníkové konstrukce - v rozloženém stavu

We invoice you

Aluminium roofing construction, type	1 ks	8,190.00		8,190.00	0%	0.00	8,190.00
Universe V 6242x12648x2286 mm,							
Client: Annette McCarty							

Total amount	8,190.00	0.00	8,190.00
TOTAL DUE	Currency EUR		8,190.00

goods is dismantled in parts  
coll: 1  
Container: OOLU 933371-4  
Brutto: 1665 kg Netto: 1325 kg  
Country of origin: Czech Republic

Plnění je osvobozeno od DPH podle § 65 zákona o dani z přidané hodnoty s nárokem na odpočet daně.

Issuer: Jitka Slaninová  
j.slavinova@alukov.cz

ALUKOV HZ spol. s r.o.  
Orel 18  
538 21 Státníany  
Česko  
tel: +420 469 681 488  
fax: +420 469 681 488  
www.alukov.cz

	Recapitulation in CZK:	Tax base in CZK	% VAT	VAT in CZK	Total in CZK
Foreigner exchange rate used:	24.8 CZK	203 112.00	0%		
Quantity:	1 EUR	0.00	10%	0.00	0.00
		0.00	20%	0.00	0.00

Recipient:

Official stamp:

Economic and information system POHODA

**Alukov HZ spol. s r.o.**

Supplier:  
**Alukov HZ spol. s r.o.**  
**Orel 18**  
**538 21 Slatiňany**  
**Česko**

Identif. number: 64257746  
 Tax identity: CZ64257746

Telephone: 469 681 488  
 Mobile phone: 602 141 969  
 Fax: 469 681 488  
 E-mail: alukov@alukov.cz  
 www.alukov.cz

Issuing Bank: Komerční banka  
 SWIFT: KOMBCZPPXXX  
 IBAN: CZ3501000000788108660277  
 Account No.: 78-8108660277 Bank code: 0100

**INVOICE - TAX DOCUMENT No. 11VF02000**

Variable symbol: 1102000  
 Constant Code: 0308  
 Order No.: date

Customer: Identif. number:

**Pool & Spa Enclosures, LLC**  
**237 Prospect Plains Rd.**  
**Monroe Township, NJ 08831**

United States

Payment: payment order

Receiver:

Invoice date: 18.10.2011

Due date: 01.11.2011

Date of a taxable supply: 18.10.2011

Description	Q'ty	Unit price	Discount	Price	%VAT	VAT	Total
-------------	------	------------	----------	-------	------	-----	-------

Fakturuje Vám dodávku střešní hliníkové konstrukce - v rozloženém stavu

We Invoice you

Aluminium roofing construction, type	1 ks	15,618.87		15,618.87	0%	0.00	15,618.87
--------------------------------------	------	-----------	--	-----------	----	------	-----------

Universe 7925x12560x2485 mm,

Client: Jen Steinman

Aluminium roofing construction, type	1 ks	3,420.00		3,420.00	0%	0.00	3,420.00
--------------------------------------	------	----------	--	----------	----	------	----------

Orlando d.4,00 m, Client: Bill

Levesque

Total amount				19,038.87		0.00	19,038.87
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Rounding

TOTAL DUE

Currency EUR

19,039.00

goods is dismantled in parts

2 coll

Container: OOLU 809121-6

Brutto: 2655 kg Netto: 2105 kg

Country of origin: Czech Republic

Plnění je osvobozeno od DPH podle § 66 zákona o dani z přidané hodnoty s náležitě odůvodněným daně.

Issuer: Jitka Slaninová  
 j.slavinova@alukov.cz

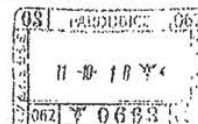
**ALUKOV HZ spol. s r.o.**  
 Orel 18, Slatiňany  
 538 21 Slatiňany, IČ: 642 57 746, DIČ: CZ642 57 746  
 tel: +420 469 681 488, fax: +420 469 681 488

Recapitulation in CZK:		Tax base in CZK	% VAT	VAT in CZK	Total in CZK
Foreigner exchange rate used:	24.755 CZK	471 310.45	0%		
Quantity:	1 EUR	0.00	10%	0.00	0.00
		0.00	20%	0.00	0.00

Recipient:

Official stamp:

Economic and information system POHODA



**Alukov HZ spol. s r.o.****INVOICE - TAX DOCUMENT No. 11VF02168**

Supplier:  
Alukov HZ spol. s r.o.  
Orel 18  
538 21 Slatiňany  
Česko

Variable symbol: 1102168  
Constant Code: 0308  
Order No.: date

Identif. number: 64257746  
Tax identity: CZ64257746

Customer: Identif. number:

Pool & Spa Enclosures, LLC  
237 Prospect Plains Rd.  
Monroe Township, NJ 08831

Telephone: 469 681 488  
Mobile phone: 602 141 989  
Fax: 469 681 488  
E-mail: alukov@alukov.cz  
www.alukov.cz

United States

Issuing Bank: Komerční banka  
SWIFT: KOMBCZPPXXX  
IBAN: CZ350100000788108660277  
Account No.: 78-8108660277 Bank code: 0100

Payment: payment order  
Invoice date: 07.11.2011  
Due date: 21.11.2011  
Date of a taxable supply: 07.11.2011

Receiver:

Description	Qty	Unit price	Discount	Price	%VAT	VAT	Total
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Fakturuje Vám dodávku střešní hliníkové konstrukce - v rozloženém stavu

We invoice you

Aluminium roofing construction, type  
Universe 818 1x20067x2845 mm,  
Client: Hannah Kazak

1 ks	30,541.18		30,541.18	0%	0.00	30,541.18
------	-----------	--	-----------	----	------	-----------

Total amount	30,541.18	0.00	30,541.18
Rounding			-0.18
TOTAL DUE		Currency EUR	30,541.00

goods is dismantled in parts  
coll: 143  
Container: TCKU985512-1  
Brutto: 3465 kg Netto: 3450 kg  
Country of origin: Czech Republic

Plnění je osvobozeno od DPH podle § 66 zákona o dani z přidané hodnoty s nárokem na odpočet daně.

Issuer: Jitka Stanínová  
j.staninova@alukov.cz

ALUKOV HZ spol. s r.o.  
Orel 18  
538 21 Slatiňany  
Česko  
tel.: +420 469 681 488  
fax: +420 469 681 488  
e-mail: alukov@alukov.cz  
www.alukov.cz

	Recapitulation in CZK:	Tax base in CZK	% VAT	VAT in CZK	Total in CZK
Foreigner exchange rate used.	24.8 CZK	757 416,80	0%		
Quantity:	1 EUR	0,00	10%	0,00	0,00
		0,00	20%	0,00	0,00

Recipient:

Official stamp:

Economic and information system POHODA

Case 2:09-cv-00013-TS Document 172-3 Filed 10/25/13 Page 1 of 17

## Exhibit HHb

Defendants' invoices December 2011 to January 2013

**Alukov HZ spol. s r.o.**

Supplier:  
**Alukov HZ spol. s r.o.**  
 Orel 18  
 538 21 Slatiňany  
 Česko

Identif. number: 64257746  
 Tax Identity: CZ64257746

Telephone: 469 681 488  
 Mobile phone: 602 141 969  
 Fax: 469 681 488  
 E-mail: alukov@alukov.cz  
 www.alukov.cz

Issuing Bank: Komerční banka  
 SWIFT: KOMBCZPPXXX  
 IBAN: CZ3501000000788108660277  
 Account No.: 78-8108660277 Bank code: 0100

**INVOICE - TAX DOCUMENT No. 12VF00213**

Variable symbol: 1200213  
 Constant Code: 0308  
 Order No.: date

Customer: Identif. number:

**Pool & Spa Enclosures, LLC**  
 237 Prospect Plains Rd.  
 Monroe Township, NJ 08831

United States

Payment: payment order  
 Invoice date: 29.03.2012  
 Due date: 12.04.2012  
 Date of a taxable supply: 29.03.2012

Receiver:

Description	Q'ty	Unit price	Discount	Price	%VAT	VAT	Total
Fakturuje Vam dodávku střešní hliníkové konstrukce - v rozloženém stavu							
We invoice you							
Aluminium roofing construction, type	1 ks	28,624.51		28,624.51	0%	0.00	28,624.51
Style Granda 7698x16079x2692 mm,							
Client: Dale Harkins							

Total amount	28,624.51	0.00	28,624.51
Rounding			0.49
<b>TOTAL DUE</b>	Currency EUR		<b>28,625.00</b>

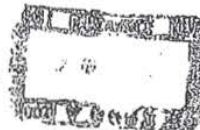
goods is dismantled in parts  
 coll: 66

Brutto: 1479 kg Netto: 1475 kg  
 Country of origin: Czech Republic  
 INCOTERMS 2010: DAP Tuscola, TX 79562 USA

Plnění je osvobozeno od DPH podle § 66 zákona o dani z přidané hodnoty s nárokem na odpočet daně.

Issuer: Jitka Slaninová  
 j.slavinova@alukov.cz

**ALUKOV HZ spol. s r.o.**  
 Orel 18, 538 21 Slatiňany  
 tel: 469 681 488, fax: 4420 469 681 321  
 e-mail: 642 57 746, DIČ: CZ64257746  
 www.alukov.cz



	Recapitulation in CZK:	Tax base in CZK	% VAT	VAT in CZK	Total in CZK
Foreigner exchange rate used:	24.84 CZK	711 045.00	0%		
Quantity:	1 EUR	0.00	14%	0.00	0.00
		0.00	20%	0.00	0.00

Recipient:

Official stamp:

Economic and information system POHODA



**Alukov HZ spol. s r.o.**

Supplier:  
**Alukov HZ spol. s r.o.**  
**Orel 18**  
**538 21 Slatiňany**  
**Česko**

Identif. number: 84257746  
 Tax identity: CZ64257746

Telephone: 469 681 488  
 Mobile phone: 602 141 989  
 Fax: 469 681 488  
 E-mail: alukov@alukov.cz  
 www.alukov.cz

Issuing Bank: Komerční banka  
 SWIFT: KOMBCZPPXXX  
 IBAN: CZ350100000788108680277  
 Account No.: 78-8108660277 Bank code: 0100

Payment: payment order  
 Invoice date: 12.04.2012  
 Due date: 28.04.2012  
 Date of a taxable supply: 12.04.2012

**INVOICE - TAX DOCUMENT No. 12VF00285**

Variable symbol: 1200285  
 Constant Code: 0308  
 Order No.: date

Customer: Identif. number:

**Pool & Spa Enclosures, LLC**  
**237 Prospect Plains Rd.**  
**Monroe Township, NJ 08831**

**United States**

Receiver:

Description	Q'ty	Unit price	Discount	Price	%VAT	VAT	Total
-------------	------	------------	----------	-------	------	-----	-------

Fakturuje Vám dodávku střešní hliníkové konstrukce - v rozloženém stavu

We invoice you

Aluminium roofing construction, type Universe 3250x6420 mm, Client: Scott Richardson	1 ks	2,187.44		2,187.44	0%	0.00	2,187.44
Aluminium roofing construction, type Universe 5589x12646x2000 mm, Client: Harold Fehlborg	1 ks	7,900.00		7,900.00	0%	0.00	7,900.00

Total amount	10,087.44	0.00	10,087.44
Rounding			-0.44
<b>TOTAL DUE</b>	<b>Currency EUR</b>		<b>10,087.00</b>

goods is dismantled in parts  
 coll: 2  
 Container: CBHU827136-1  
 Brutto: 2107 kg Netto: 1584 kg  
 Country of origin: Czech Republic  
 INCOTERMS 2010: CFR New York

Pinění je osovazeno od DPH podle § 66 zákona o dani z přidané hodnoty s nárokem na odpočet daně.

Issuer: Jitka Slaninová  
 j.slavinova@alukov.cz



**Alukov HZ spol. s r.o.**

Orel 18, 538 21 Slatiňany

tel: +420 469 681 488 fax: +420 469 681 488

K 242 73 704 DIK CZ 22-25-532K

www.alukov.cz

Foreigner exchange rate used:

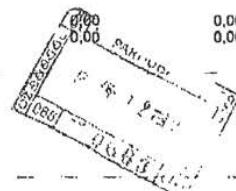
Quantity:

1 EUR

Tax base in CZK	% VAT	VAT in CZK	Total in CZK
249 461,51	0%	0,00	249 461,51
0,00	14%	0,00	0,00
0,00	20%	0,00	0,00

Recipient:

Official stamp:



Economic and Information system POHODA

**Alukov HZ spol. s r.o.**

Supplier:  
**Alukov HZ spol. s r.o.**  
 Orel 18  
 538 21 Slatiňany  
 Česko

Identif. number: 64267746  
 Tax Identity: CZ64267746

Telephone: 469 681 488  
 Mobile phone: 602 141 989  
 Fax: 469 681 488  
 E-mail: alukov@alukov.cz  
 www.alukov.cz

Issuing Bank: Komerční banka  
 SWIFT: KOMB CZPP XXX  
 IBAN: CZ350100000788108660277  
 Account No.: 78-8108660277 Bank code: 0100

**INVOICE - TAX DOCUMENT No. 12VF00287**

Variable symbol: 1200287  
 Constant Code: 0308  
 Order No.: date

Customer: Identif. number:

**Pool & Spa Enclosures, LLC**  
 237 Prospect Plains Rd.  
 Monroe Township, NJ 08831

**United States**

Payment: payment order  
 Invoice date: 12.04.2012  
 Due date: 28.04.2012  
 Date of a taxable supply: 12.04.2012

Receiver:

Description	Q'ty	Unit price	Discount	Price	%VAT	VAT	Total
-------------	------	------------	----------	-------	------	-----	-------

Fakturuje Vám dodávku střešní hliníkové konstrukce - v rozloženém stavu

We invoice you

Aluminium roofing construction, type Universe 5231x10715x2250 mm, Client: Michael Jarvis	1 ks	6,450.00		6,450.00	0%	0.00	6,450.00
Aluminium roofing construction, type Spa Sunhouse 4000x6000x2300 mm, Client: Andrew Combs	1 ks	5,684.00		5,684.00	0%	0.00	5,684.00

Total amount	12,134.00	0.00	12,134.00
<b>TOTAL DUE</b>	<b>12,134.00</b>	<b>Currency EUR</b>	<b>12,134.00</b>

goods is dismantled in parts  
 colli; 2  
 Container: CBHU800449-4  
 Brutto: 1877 kg Netto: 1370 kg  
 Country of origin: Czech Republic  
 INCOTERMS 2010: CFR New York

Plnění je osvobozeno od DPH podle § 66 zákona o dani z přidané hodnoty s nárokem na odpočet daně.

Issuer: Jitka Slaninová  
 j.slavinova@alukov.cz

**Alukov HZ spol. s r.o.**  
 Orel 18 538 21 Slatiňany  
 tel: 469 681 488, fax: 469 681 488  
 IČ: 642 67 746, CZ64267746

	Recapitulation in CZK:	Tax base in CZK	% VAT	VAT in CZK	Total in CZK
Foreigner exchange rate used:	24.73 CZK	300 073,82	0%		
Quantity:	1 EUR	0,00	14%	0,00	0,00
		0,00	20%	0,00	0,00

Recipient:

Official stamp:

Economic and information system POHODA

**Alukov HZ spol. s r.o.**

Supplier:  
**Alukov HZ spol. s r.o.**  
**Orel 18**  
**538 21 Státníhany**  
**Česko**

Identif. number: 64257748  
 Tax identity: CZ64257748

Telephone: 469 681 488  
 Mobile phone: 602 141 969  
 Fax: 469 681 488  
 E-mail: alukov@alukov.cz  
 www.alukov.cz

Issuing Bank: Komerční banka  
 SWIFT: KOMBCZPPXXX  
 IBAN: CZ350100000788108660277  
 Account No.: 78-8108660277 Bank code: 0100

**INVOICE - TAX DOCUMENT No. 12VF00345**

Variable symbol: 1200345  
 Constant Code: 0308  
 Order No.: date

Customer: Identif. number:

**Pool & Spa Enclosures, LLC**  
**237 Prospect Plains Rd.**  
**Monroe Township, NJ 08831**

United States

Payment: payment order  
 Invoice date: 19.04.2012  
 Due date: 03.05.2012  
 Date of a taxable supply: 19.04.2012

Receiver:

Description	Q'ty	Unit price	Discount	Price	%VAT	VAT	Total
-------------	------	------------	----------	-------	------	-----	-------

Fakturuje Vám dodávku střešní hliníkové konstrukce - v rozloženém stavu

We invoice you

Aluminium roofing construction, type Orlando large d.5,00 m, Client: Susan Weaver	1 ks	4,940.00		4,940.00	0%	0.00	4,940.00
Aluminium roofing construction, type Universe Grande 8992x14834x3000 mm, Client: Michelle Knebler	1 ks	30,500.07		30,500.07	0%	0.00	30,500.07

Total amount	35,440.07	0.00	35,440.07
Rounding			-0.07
<b>TOTAL DUE</b>	<b>Currency EUR</b>		<b>35,440.00</b>

goods is dismantled in parts  
 coll: 104  
 Container: GVCU 513659-8  
 Brutto: 3523 kg Netto: 3310 kg  
 Country of origin: Czech Republic  
 INCOTERMS 2010: CFR New York

Plnění je osvobozeno od DPH podle § 65 zákona o dani z přidané hodnoty s nárokem na odpočet daně.

Issuer: Jitka Slaninová  
 j.slavinova@alukov.cz

**ALUKOV HZ spol. s r.o.**  
 Orel 18, 538 21 Státníhany  
 tel: +420 469 681 488 fax: +420 469 681 321  
 IČ: 64863410  
 DIČ: CZ64257748

Foreigner exchange rate used:  
 Quantity:

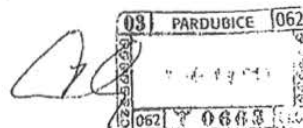
24.73 CZK  
 1 EUR

Tax base in CZK	% VAT	VAT in CZK	Total in CZK
878 431.20	0%		
0.00	14%	0.00	0.00
0.00	20%	0.00	0.00

Recipient:

Official stamp:

Economic and information system POHODA



**Alukov HZ spol. s r.o.**

Supplier:  
**Alukov HZ spol. s r.o.**  
 Orel 18  
 538 21 Slatiňany  
 Česko

Identif. number: 64257748  
 Tax identity: CZ64257748

Telephone: 469 681 488  
 Mobile phone: 602 141 969  
 Fax: 469 681 488  
 E-mail: alukov@alukov.cz  
 www.alukov.cz

Issuing Bank: Komerční banka  
 SWIFT: KOMBCZPPXXX  
 IBAN: CZ350100000788108660277  
 Account No.: 78-8108660277 Bank code: 0100

Payment: payment order  
 Invoice date: 14.08.2012  
 Due date: 28.08.2012  
 Date of a taxable supply: 14.08.2012

**INVOICE - TAX DOCUMENT No. 12VF00888**

Variable symbol: 1200888  
 Constant Code: 0308  
 Order No.: date

Customer: Identif. number:

**Pool & Spa Enclosures, LLC**  
 237 Prospect Plains Rd.  
 Monroe Township, NJ 08831

United States

Receiver:

Description	Q'ty	Unit price	Discount	Price	%VAT	VAT	Total
-------------	------	------------	----------	-------	------	-----	-------

Fakturuje Vám dodávku střešní hliníkové konstrukce - v rozloženém stavu

We invoice you

Aluminium roofing construction, type

Universe 6246x1483x2285 mm,

Client: Rose Wegner

Total amount	9,450.00	0.00	9,450.00
<b>TOTAL DUE</b>	<b>Currency EUR</b>		<b>9,450.00</b>

goods is dismantled in parts

coll: 1

Container: KKFU757887-4


Brutto: 1871 kg Netto: 1570 kg

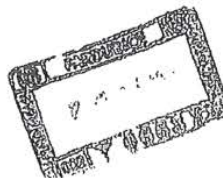
Country of origin: Czech Republic

INCOTERMS 2010: DAP Milford, OH 45150

Plnění je osvobozeno od DPH podle § 66 zákona o dani z přidané hodnoty s nárokem na odpočet daně.

Issuer: Jilka Staninová  
 j.staninova@alukov.cz

  
 Alukov HZ spol. s r.o.  
 Orel 18  
 538 21 Slatiňany  
 tel: +420 469 681 488 fax: +420 469 681 321  
 e-mail: alukov@alukov.cz www.alukov.cz



Recapitulation in CZK:		Tax base in CZK	% VAT	VAT in CZK	Total in CZK
Foreigner exchange rate used:	25.695 CZK	242 817,75	0%		
Quantity:	1 EUR	0,00	14%	0,00	0,00
		0,00	20%	0,00	0,00

Recipient:

Official stamp:

Economic and Information system POHODA

**Alukov HZ spol. s r.o.**

Supplier:  
Alukov HZ spol. s r.o.  
Orel 18  
538 21 Slatiňany  
Česko

Identif. number: 84257746  
Tax identity: CZ84257746

Telephone: 469 681 488  
Mobile phone: 602 141 989  
Fax: 469 681 488  
E-mail: alukov@alukov.cz  
www.alukov.cz

Issuing Bank: Komerční banka  
SWIFT: KOMBCZPPXXX  
IBAN: CZ3501000000788108660277  
Account No.: 78-8108660277 Bank code: 0100

Payment: payment order  
Invoice date: 21.06.2012  
Due date: 06.07.2012  
Date of a taxable supply: 21.06.2012

**INVOICE - TAX DOCUMENT No. 12VF00990**

Variable symbol: 1200990  
Constant Code: 0308  
Order No.: date

Customer: Identif. number:

Pool & Spa Enclosures, LLC  
237 Prospect Plains Rd.  
Monroe Township, NJ 08831

United States

Description	Qty	Unit price	Discount	Price	%VAT	VAT	Total
-------------	-----	------------	----------	-------	------	-----	-------

Fakturuje Vám dodávku střešní hliníkové konstrukce - v rozloženém stavu

We invoice you

Aluminium roofing construction, type Laguna 7214x1708x2743 mm, Client: Mika & Ellen Lebo	1 ks	22,922.50		22,922.50	0%	0.00	22,922.50
Aluminium roofing construction, type Oceanic 5258x12092x2591 mm, Client: John Troy	1 ks	15,794.90		15,794.90	0%	0.00	15,794.90

Total amount	38,717.40	0.00	38,717.40
Rounding			-0.40
<b>TOTAL DUE</b>	<b>Currency EUR</b>		<b>38,717.00</b>

goods is dismantled in parts

coll: 143

Container: KKFU 744927-0

Brutto: 3898 kg Netto: 3883 kg

Country of origin: Czech Republic

INCOTERMS 2010: DAP Yadkinville, NC 27055 a Cedar Grove, NC 27231 USA

Plnění je osvobozeno od DPH podle § 66 zákona o dani z přidané hodnoty s nárokem na odpočet daně.

Issuer: Jilka Staninová  
j.staninova@alukov.cz

tel: +420 465 111 111

Recapitulation in CZK:		Tax base in CZK	% VAT	VAT in CZK	Total in CZK
Foreigner exchange rate used:	25.695 CZK	994 833.32	0%		
Quantity:	1 EUR	0,00	14%	0,00	0,00
		0,00	20%	0,00	0,00

Recipient:

Official stamp:

Economic and Information system POHODA

**Alukov HZ spol. s r.o.**

Supplier:  
Alukov HZ spol. s r.o.  
Orel 18  
638 21 Slatiňany  
Česko

Identif. number: 64257746  
Tax identity: CZ64257746

Telephone: 469 681 488  
Mobile phone: 602 141 959  
Fax: 469 681 488  
E-mail: alukov@alukov.cz  
www.alukov.cz

Issuing Bank: Komerční banka  
SWIFT: KOMBCZPPXXX  
IBAN: CZ3501000000788108660277  
Account No.: 78-8108660277 Bank code: 0100

**INVOICE - TAX DOCUMENT No. 12VF00987**

Variable symbol: 1200987  
Constant Code: 0308  
Order No.: date

Customer: Identif. number:

Pool & Spa Enclosures, LLC  
237 Prospect Plains Rd.  
Monroe Township, NJ 08831

United States

Payment: payment order  
Invoice date: 21.06.2012  
Due date: 05.07.2012  
Date of a taxable supply: 21.06.2012

Receiver:

Description	Q'ty	Unit price	Discount	Price	%VAT	VAT	Total
-------------	------	------------	----------	-------	------	-----	-------

Fakturuje Vám dodávku střešní hliníkové konstrukce - v rozloženém stavu

We invoice you

Aluminium roofing construction, type Imperia 3988x8433x1219 mm, Client: Garry La Point	1 ks	6,499.99		6,499.99	0%	0.00	6,499.99
Aluminium roofing construction, type Universe T2 4250x8542x1300 mm, Client: Nick Morosky	1 ks	3,200.00		3,200.00	0%	0.00	3,200.00

Total amount	9,699.99	0.00	9,699.99
Rounding			0.01
<b>TOTAL DUE</b>	<b>Currency EUR</b>		<b>9,700.00</b>

goods is dismantled in parts

colli: 2

Container: KKFU 772778-8

Brutto: 1646 kg Netto: 1276 kg

Country of origin: Czech Republic

INCOTERMS 2010: CFR New York

Plnění je osvobozeno od DPH podle § 66 zákona o dani z přidané hodnoty a nárokem na odpočet daně.

Issuer: Jitka Staninová  
j.staninova@alukov.cz

	Reconciliation in CZK:	Tax base in CZK	% VAT	VAT in CZK	Total in CZK
Foreign exchange rate used:	25.695 CZK	249 241.50	0%		
Quantity:	1 EUR	0.00	14%	0.00	0.00
		0.00	20%	0.00	0.00

Recipient:

Official stamp:

Economic and information system POHODA

**Alukov HZ spol. s r.o.**

Supplier:  
Alukov HZ spol. s r.o.  
Orl 18  
538 21 Slatiňany  
Česko

Identif. number: 84257746  
Tax identity: CZ84257746

Telephone: 469 681 488  
Mobile phone: 602 141 969  
Fax: 469 681 488  
E-mail: alukov@alukov.cz  
www.alukov.cz

Issuing Bank: Komerční banka  
SWIFT: KOMBCZPPXXX  
IBAN: CZ3501000000788108660277  
Account No.: 78-8108660277 Bank code: 0100

**INVOICE - TAX DOCUMENT No. 12VF01198**

Variable symbol: 1201198  
Constant Code: 0308  
Order No.: date

Customer: Identif. number:

Pool & Spa Enclosures, LLC  
237 Prospect Plains Rd.  
Monroe Township, NJ 08831

United States

Payment: payment order  
Invoice date: 12.07.2012  
Due date: 26.07.2012  
Date of a taxable supply: 12.07.2012

Receiver:

Description	Q'ty	Unit price	Discount	Price	%VAT	VAT	Total
-------------	------	------------	----------	-------	------	-----	-------

Fakturuje Vám dodávku střešní hliníkové konstrukce - v rozloženém stavu

We invoice you

Aluminium roofing construction, type  
Universe 7214x1870x2591 mm,  
Client: George Grossberg

Total amount	19,351.92	0.00	19,351.92
Rounding			0.08
<b>TOTAL DUE</b>		Currency EUR	<b>19,362.00</b>

goods is dismantled in parts

coll: 1

Container: GATU 829278-9

Brutto: 2802 kg Netto: 2392 kg

Country of origin: Czech Republic

INCOTERMS 2010: CFR New York

Plnění je osvobozeno od DPH podle § 66 zákona o dani z přidané hodnoty s nárokem na odpočet daně.

Issuer: Jitka Staninová  
j.staninova@alukov.cz



ALUKOV HZ spol. s r.o.  
Orl 18 538 21 Slatiňany  
tel: +420 469 681 488, fax: +420 469 681 321  
IČ: 642 57 746 DIČ: CZ64257746  
www.alukov.cz

	Recapitulation in CZK:	Tax base in CZK	% VAT	VAT in CZK	Total in CZK
Foreigner exchange rate used:	25.64 CZK	496 185.28	0%		
Quantity:	1 EUR	0.00	14%	0.00	0.00
		0.00	20%	0.00	0.00

Recipient:

Official stamp:

Economic and information system POHODA

**Alukov HZ spol. s r.o.**

Supplier:  
Alukov HZ spol. s r.o.  
Orel 18  
538 21 Slatiňany  
Česko

Identif. number: 64257746  
Tax identity: CZ64257746

Telephone: 469 681 488  
Fax: 469 681 321  
E-mail: alukov@alukov.cz  
www.alukov.cz

Issuing Bank: Komerční banka  
SWIFT: KOMB CZPPXXX  
IBAN: CZ3501000000788108660277  
Account No.: 78-8108660277 Bank code: 0100

Payment: payment order  
Invoice date: 27.09.2012  
Due date: 11.10.2012  
Date of a taxable supply: 27.09.2012

**INVOICE - TAX DOCUMENT No. 12VF01766**

Variable symbol: 1201766  
Constant Code: 0308  
Order No.: date

Customer: Identif. number:

Pool & Spa Enclosures, LLC  
237 Prospect Plains Rd.  
Monroe Township, NJ 08831

United States

Receiver:

Description	Q'ty	Unit price	Discount	Price	%VAT	VAT	Total
Fakturuje Vam dodávku střešní hliníkové konstrukce - v rozloženém stavu							
We invoice you							
Aluminium roofing construction, type	1 ks	15,706.67		15,706.67	0%	0.00	15,706.67
Tropes 6,909x10,999x2,340 m,							
Client: Carlton McClary							
Total amount				15,706.67		0.00	15,706.67
Rounding							0.33
<b>TOTAL DUE</b>				Currency EUR			<b>15,707.00</b>

goods is dismantled in parts  
coll: 1  
Container: TCLU 824785-0  
Brutto: 1717 kg Netto: 1372 kg  
Country of origin: Czech Republic  
INCOTERMS 2010: CFR New York USA

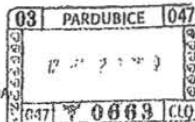
Plnění je osvobozeno od DPH podle § 66 zákona o dani z přidané hodnoty a nárokem na odpočet daně.

Issuer: Jitka Staninová  
j.staninova@alukov.cz

**Alukov**  
ALUKOV HZ spol. s r.o.  
Orel 18 538 21 Slatiňany  
tel.: +420 469 681 488 fax: +420 469 681 321  
IČ: 642 57 746 DIČ: CZ64257746  
www.alukov.cz

	Recapitulation in CZK:	Tax base in CZK	% VAT	VAT in CZK	Total in CZK
Foreigner exchange rate used:	24.84 CZK	390 161.88	0%		
Quantity:	1 EUR	0.00	14%	0.00	0.00
		0.00	20%	0.00	0.00

Recipient:



Official stamp:

Economic and information system POHODA



**Alukov HZ spol. s r.o.**

Supplier:  
**Alukov HZ spol. s r.o.**  
**Orel 18**  
**538 21 Slatiňany**  
**Česko**

Identif. number: 64257746  
 Tax identity: CZ64257746

Telephone: 469 681 488  
 Fax: 469 681 321  
 E-mail: alukov@alukov.cz  
 www.alukov.cz

Issuing Bank: Komerční banka  
 SWIFT: KOMBCZPPXXX  
 IBAN: CZ350100000788108660277  
 Account No.: 78-8108660277

Bank code: 0100

**INVOICE - TAX DOCUMENT No. 12VF01764**

Variable symbol: 1201764  
 Constant Code: 0308  
 Order No.: date

Customer: Identif. number:

**Pool & Spa Enclosures, LLC**  
**237 Prospect Plains Rd.**  
**Monroe Township, NJ 08831**

United States

Payment: payment order  
 Invoice date: 27.09.2012  
 Due date: 11.10.2012  
 Date of a taxable supply: 27.09.2012

Receiver:

Description	Q'ty	Unit price	Discount	Price	%VAT	VAT	Total
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Fakturuje Vám dodávku střešní hliníkové konstrukce - v rozloženém stavu

We invoice you

Aluminium roofing construction, type Universe 5,503x14,660x2,438 m, Client: Dennis Gallant	1 ks	12,902.61		12,902.61	0%	0.00	12,902.61
Aluminium roofing construction parts, Client: Richardson	1	291.06		291.06	0%	0.00	291.06
Aluminium roofing construction parts, Client: Duncombe	1	2,350.00		2,350.00	0%	0.00	2,350.00

Total amount	15,543.67	0.00	15,543.67
Rounding			0.33
<b>TOTAL DUE</b>	<b>Currency EUR</b>		<b>15,544.00</b>

goods is dismantled in parts  
 colli: 7

Container: KKFU725892-6

Brutto: 2327 kg Netto: 1764 kg

Country of origin: Czech Republic

INCOTERMS 2010: CFR New York USA

Plnění je osvobozeno od DPH podle § 66 zákona o dani z přidané hodnoty s nárokem na odpočet daně.

Issuer: Jilka Slaninová  
 j.slavinova@alukov.cz

**Alukov**  
**ALUKOV HZ spol. s r.o.**  
**Orel 18 538 21 Slatiňany**  
**tel: +420 469 681 488, fax: +420 469 681 321**  
**IC: 64257746 DIK: CZ64257746**  
**IC: 64257746 DIK: CZ64257746**

Foreigner exchange rate used:

Quantity: 24.84 CZK

1 EUR

Tax base in CZK	% VAT	VAT in CZK	Total in CZK
386 112.86	0%		
0,00	14%	0,00	0,00
0,00	20%	0,00	0,00

Recipient:

Official stamp:

Economic and information system POHODA

**Alukov HZ spol. s r.o.**

Supplier:  
Alukov HZ spol. s r.o.  
Orel 18  
538 21 Slatiňany  
Česko

Identif. number: 64257746  
Tax identity: CZ64257746

Telephone: 469 681 488  
Fax: 469 681 321  
E-mail: alukov@alukov.cz  
www.alukov.cz

**INVOICE - TAX DOCUMENT No. 12VF01818**

Variable symbol: 1201818  
Constant Code: 0308  
Order No.: date

Customer: Identif. number:

Pool & Spa Enclosures, LLC  
237 Prospect Plains Rd.  
Monroe Township, NJ 08831

United States

Issuing Bank: Komerční banka  
SWIFT: KOMBCZPPXXX  
IBAN: CZ350100000788108660277  
Account No.: 78-8108660277 Bank code: 0100

Payment: payment order  
Invoice date: 04.10.2012  
Due date: 18.10.2012  
Date of a taxable supply: 04.10.2012

Receiver:

Description	Qty	Unit price	Discount	Price	%VAT	VAT	Total
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Fakturuje Vám dodávku střešní hliníkové konstrukce - v rozloženém stavu

We invoice you

Aluminum roofing construction, type Laguna 6096x10566x2743 mm, Client: TIM McLaughlin	1 ks	15,792.91		15,792.91	0%	0.00	15,792.91
Aluminum roofing construction, type Laguna 6223x8433x2591 mm, Client: Shea & Jason Pence	1 ks	10,694.61		10,694.61	0%	0.00	10,694.61

Total amount	26,487.52	0.00	26,487.52
Rounding			0.48
<b>TOTAL DUE</b>	<b>Currency EUR</b>		<b>26,488.00</b>

goods is dismantled in parts  
coll: 102  
Container: GESU507445-9  
Brutto: 2503 kg Netto: 2484 kg  
Country of origin: Czech Republic  
INCOTERMS 2010: DAP Charlottesville a Maurer Town VA 22903 USA

Plnění je osvobozeno od DPH podle § 66 zákona o dani z přidané hodnoty s nárokem na odpočet daní.

Issuer: Jitka Slaninová  
j.slavinova@alukov.cz

Alukov HZ spol. s r.o.  
Orel 18 : 538 21 Slatiňany  
Česko  
Tel: 469 681 488 Fax: 469 681 321  
E-mail: alukov@alukov.cz  
www.alukov.cz

Recapitulation in CZK:		Tax base in CZK	% VAT	VAT in CZK	Total in CZK
Foreigner exchange rate used:	24,865 CZK	658 624,12	0%		
Quantity:	1 EUR	0,00	14%	0,00	0,00
		0,00	20%	0,00	0,00

Recipient:

Official stamp:

Economic and information system POHODA

**Alukov HZ spol. s r.o.**

Supplier:  
**Alukov HZ spol. s r.o.**  
**Orel 18**  
**538 21 Státníhany**  
**Česko**

Identif. number: 64257746  
 Tax identity: CZ64257746

Telephone: 469 681 488  
 Fax: 469 681 321  
 E-mail: alukov@alukov.cz  
 www.alukov.cz

Issuing Bank: Komerční banka  
 SWIFT: KOMBCZPPXXX  
 IBAN: CZ3501000000788108660277  
 Account No.: 78-8108660277 Bank code: 0100

**INVOICE - TAX DOCUMENT No. 12VF01889**

Variable symbol: 1201889  
 Constant Code: 0308  
 Order No.: date

Customer: Identif. number:

**Pool & Spa Enclosures, LLC**  
**237 Prospect Plains Rd.**  
**Monroe Township, NJ 08831**

United States

Payment: payment order  
 Invoice date: 11.10.2012  
 Due date: 25.10.2012  
 Date of a taxable supply: 11.10.2012

Receiver:

Description	Q'ty	Unit price	Discount	Price	%VAT	VAT	Total
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Fakturuje Vám dodávku střešní hliníkové konstrukce - v rozloženém stavu

We invoice you

Aluminium roofing construction, type	1 ks	12,136.71		12,136.71	0%	0.00	12,136.71
Venezla 3859x12598x2286 mm, Client: Phil Fischer							
Aluminium roofing construction, type	1 ks	3,255.00		3,255.00	0%	0.00	3,255.00
Univera 4250x8542x1300 mm, Client: Jeff Moskow							

Total amount	15,391.71	0.00	15,391.71
Rounding			0.29
<b>TOTAL DUE</b>	<b>Currency EUR</b>		<b>15,392.00</b>

goods is dismantled in parts

colli: 2

Container: TRLU538677-9

Brutto: 2267 kg Netto: 1866 kg

Country of origin: Czech Republic

INCOTERMS 2010: CFR New York USA

Plnění je osvobozeno od DPH podle § 66 zákona o dani z přidané hodnoty s nárokem na odpočet daně.

Issuer: Jitka Slaninová

j.slavinova@alukov.cz

## Recapitulation in CZK:

	Foreigner exchange rate used:	24.865 CZK	Tax base in CZK	% VAT	VAT in CZK	Total in CZK
Quantity:	1 EUR		382 722.08	0%		
			0.00	14%	0.00	0.00
			0.00	20%	0.00	0.00

Recipient:

Official stamp:


Economic and Information system POHODA


ALUKOV HZ spol. s r.o.		INVOICE - TAX DOCUMENT No. 12VF02014					
Alukov HZ spol. s r.o. 18. října 18 538 21 Slatiňany Česko  Identif. number: 64257746 Tax Identity: CZ64257746  Telephone: 469 681 488 Fax: 469 681 321 E-mail: alukov@alukov.cz www.alukov.cz		Variable symbol: 1202014 Constant Code: 0308 Order No.: date  Customer: Identif. number:  <b>Pool &amp; Spa Enclosures, LLC</b> <b>237 Prospect Plains Rd.</b> <b>Monroe Township, NJ 08831</b>  <b>United States</b>					
Issuing Bank: Komerční banka SWIFT: KOMBCZPPXXX IBAN: CZ350100000788108660277 Account No.: 78-8108660277 Bank code: 0100		Receiver:					
Payment: payment order Invoice date: 25.10.2012 Due date: 08.11.2012 Date of a taxable supply: 25.10.2012							
Description	Q'ty	Unit price	Discount	Price	%VAT	VAT	Total
Fakturuje Vám dodávku střešní hliníkové konstrukce - v rozloženém stavu							
We invoice you							
Aluminium roofing construction, type	1 ks	21,769.97		21,769.97	0%	0.00	21,769.97
Style 6692x12549x2845 mm, Client: Derek Roysa							
Total amount				21,769.97		0.00	21,769.97
Rounding							0.03
TOTAL DUE				Currency EUR			21,770.00
goods is dismantled in parts coll: 1 Container: INKU 634699-1 Brutto: 2079 kg Netto: 1699 kg Country of origin: Czech Republic INCOTERMS 2010: DAP Noble IL 62868 USA							
Plnění je osvobozeno od DPH podle § 66 zákona o dani z přidané hodnoty s nárokem na odpočet daně.							
Issuer: Jitka Sláňinová j.slanyinova@alukov.cz <b>ALUKOV HZ, spol. s r.o.</b> 18. října 18, 538 21 Slatiňany tel: +420 469 681 488, fax: +420 469 681 321 IČ: 64257746 DIČ: CZ64257746 www.alukov.cz							
Recapitulation in CZK:		Tax base in CZK		% VAT	VAT in CZK		Total in CZK
Foreigner exchange rate used:	24.865 CZK	541 311,05	0%			0,00	0,00
Quantity:	1 EUR	0,00	14%	0,00		0,00	0,00
		0,00	20%	0,00		0,00	0,00
Recipient:		Official stamp:					
Economic and Information system POHODA							

Alukov HZ spol. s r.o.

INVOICE - TAX DOCUMENT No. 12VF02218

Supplier: <b>Alukov HZ spol. s r.o.</b> <b>Orel 18</b> <b>538 21 Státníhany</b> <b>Česko</b>  Identif. number: 64257746 Tax identity: CZ64257746  Telephone: 469 681 488 Fax: 469 681 321 E-mail: alukov@alukov.cz www.alukov.cz		Variable symbol: 1202218 Constant Code: 0308 Order No.: date	
Issuing Bank: Komerční banka SWIFT: KOMBCZPPXXX IBAN: CZ350100000788108660277 Account No.: 78-8108660277 Bank code: 0100		Customer: Identif. number:  <b>Pool &amp; Spa Enclosures, LLC</b> <b>237 Prospect Plains Rd.</b> <b>Monroe Township, NJ 08831</b>  <b>United States</b>	
Payment: payment order Invoice date: 22.11.2012 Due date: 08.12.2012 Date of a taxable supply: 22.11.2012		Receiver:	

Description	Q'ty	Unit price	Discount	Price	%VAT	VAT	Total
Fakturuje Vám dodávku střešní hliníkové konstrukce - v rozloženém stavu							
We invoice you							
Aluminium roofing construction, type Universe II 5231x10665x2000 mm, Client: Nilima Jayaraman	1 ks	6,000.00		6,000.00	0%	0.00	6,000.00
Aluminium roofing construction, type Laguna 4191x8433x2286 mm, Client: Janis & Robert Metsker	1 ks	8,300.20		8,300.20	0%	0.00	8,300.20
Total amount				14,300.20		0.00	14,300.20
Rounding							-0.20
<b>TOTAL DUE</b>					<b>Currency EUR</b>		<b>14,300.00</b>
goods is dismantled in parts colli: 2 Container: YMLU821541-5 Brutto: 2201 kg Netto: 1743 kg Country of origin: Czech Republic INCOTERMS 2010: CFR New York USA  Plnění je osvobozeno od DPH podle § 66 zákona o dani z přidané hodnoty s nárokem na odpočet daně.							
Issuer: Jitka Slaninová j.slavinova@alukov.cz  <b>ALUKOV HZ spol. s r.o.</b> Orel 18, 538 21 Státníhany tel: +420 469 681 488 fax: +420 469 681 321 e-mail: alukov@alukov.cz IČ: 642 57 112 DIČ: CZ64257746							
Foreigner exchange rate used:		25.085 CZK		358 429,50	0%		
Quantity:		1 EUR		0,00	14%	0,00	0,00
				0,00	20%	0,00	0,00
Recipient:				Official stamp:			
Economic and information system POHODA							

HZ spol. s r.o.		INVOICE - TAX DOCUMENT No. 12VF02347					
Supplier: <b>Alukov HZ spol. s r.o.</b> Orel 18 538 21 Slatiňany Česko  Identif. number: 64257746 Tax Identif.: CZ64257746  Telephone: 469 681 488 Fax: 469 681 321 E-mail: alukov@alukov.cz www.alukov.cz		Variable symbol: 1202347 Constant Code: 0308 Order No.: date  Customer: Identif. number:  <b>Pool &amp; Spa Enclosures, LLC</b> <b>237 Prospect Plains Rd.</b> <b>Monroe Township, NJ 08831</b>  <b>United States</b>					
Issuing Bank: Komerční banka SWIFT: KOMBCZPPXXX IBAN: CZ3501000000788108660277 Account No.: 78-8108660277 Bank code: 0100		Receiver:					
Payment: payment order Invoice date: 07.12.2012 Due date: 21.12.2012 Date of a taxable supply: 07.12.2012							
Description	Q'ty	Unit price	Discount	Price	%VAT	VAT	Total
Fakturujeme Vám dodávku střešní hliníkové konstrukce - v rozloženém stavu We invoice you Aluminium roofing construction, type Laguna 5715x8433x2286 mm, Client: Cynthia Johnson							
	1 ks	9,072.50		9,072.50	0%	0.00	9,072.50
Total amount				9,072.50		0.00	9,072.50
Rounding							0.50
TOTAL DUE				Currency EUR			9,073.00
goods is dismantled in parts colli: 1 Container: APHU663217-7 Brutto: 1042 kg Netto: 795 kg Country of origin: Czech Republic INCOTERMS 2010: CFR New York USA Plnění je osvobozeno od DPH podle § 66 zákona o dani z přidané hodnoty s nárokem na odpočet daní							
Issuer: Jitka Slaninová j.slantinova@alukov.cz  ALUKOV HZ spol. s r.o. Orel 18, 538 21 Slatiňany tel.: +420 469 681 488, fax: +420 469 681 321 e-mail: alukov@alukov.cz, CZ64257746 www.alukov.cz							
Recapitulation in CZK:		Tax base in CZK		% VAT	VAT in CZK	Total in CZK	
Foreign exchange rate used: 25.26 CZK		229 183.98		0%			
Quantity: 1 EUR		0.00		14%	0.00	0.00	
		0.00		20%	0.00	0.00	
Recipient:				Official stamp:			
Economic and Information system POHODA							

**Alukov HZ spol. s r.o.**

Supplier:  
Alukov HZ spol. s r.o.  
Orel 18  
538 21 Slatiňany  
Česko

Identif. number: 64257746  
Tax identity: CZ64257746

Telephone: 469 681 488  
Fax: 469 681 321  
E-mail: alukov@alukov.cz  
www.alukov.cz

**INVOICE - TAX DOCUMENT No. 12VF02396**

Variable symbol: 1202396  
Constant Code: 0308  
Order No.: date

Customer: Identif. number:

Pool & Spa Enclosures, LLC  
237 Prospect Plains Rd.  
Monroe Township, NJ 08831

United States

Issuing Bank: Komerční banka  
SWIFT: KOMBCZPPXXX  
IBAN: CZ3501000000788108660277  
Account No.: 78-8108660277 Bank code: 0100

Payment: payment order  
Invoice date: 13.12.2012  
Due date: 27.12.2012  
Date of a taxable supply: 13.12.2012

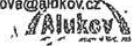
Receiver:

Description	Q'ty	Unit price	Discount	Price	%VAT	VAT	Total
Fakturuje Vám dodávku střešní hliníkové konstrukce - v rozloženém stavu							
We invoice you							
Aluminum roofing construction, type	1 ks	15,669.89		15,669.89	0%	0.00	15,669.89
Laguna 6,731x12,599x2,743 m,							
Client: Kory Reinken							
Total amount				15,669.89		0.00	15,669.89
Rounding							0.11
<b>TOTAL DUE</b>					Currency EUR		<b>15,670.00</b>

goods is dismantled in parts  
coll: 1  
Container: GRIU 520233-9  
Brutto: 1540 kg Netto: 1245 kg  
Country of origin: Czech Republic  
INCOTERMS 2010: DAP Damascus OR USA

Plnění je osvobozeno od DPH podle § 66 zákona o daní z přidané hodnoty s nárokem na odpočet daně.

Issuer: Jitka Staninová  
j.staninova@alukov.cz



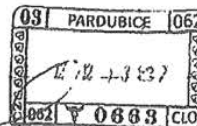
Alukov HZ spol. s r.o.  
Orel 18 Slatiňany  
538 21 Slatiňany  
Tel: 469 681 488 Fax: 469 681 321  
E-mail: alukov@alukov.cz  
www.alukov.cz

Foreign exchange rate used:	Recapitulation in CZK:	Tax base in CZK	% VAT	VAT in CZK	Total in CZK
Quantity:	25.26 CZK	395 824.20	0%		
1 EUR		0.00	14%	0.00	0.00
		0.00	20%	0.00	0.00

Recipient:

Official stamp:

Economic and information system POHODA



Case 2:09-cv-00013-TS Document 172-4 Filed 10/25/13 Page 1 of 2

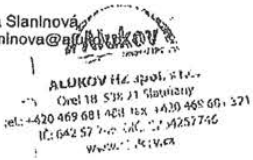
## Exhibit HHc

Defendants' invoice February 26, 2013



## Alukov HZ spol. s r.o.

## INVOICE - TAX DOCUMENT No. 13VF00084

Supplier: <b>Alukov HZ spol. s r.o.</b> <b>Orel 18</b> <b>538 21 Slatiňany</b> <b>Česko</b>  Identif. number: 64257746 Tax identity: CZ64257746  Telephone: 469 681 488 Fax: 469 681 321 E-mail: alukov@alukov.cz www.alukov.cz		Variable symbol: 1300084 Constant Code: 0308 Order No.: date																																																																	
Issuing Bank: Komerční banka SWIFT: KOMBCZPPXXX IBAN: CZ350100000788108660277 Account No.: 78-8108660277 Bank code: 0100		Customer: Identif. number:  <b>Pool &amp; Spa Enclosures, LLC</b> <b>237 Prospect Plains Rd.</b> <b>Monroe Township, NJ 08831</b>  <b>United States</b>																																																																	
Payment: payment order Invoice date: 26.02.2013 Due date: 12.03.2013 Date of a taxable supply: 26.02.2013		Recalver:																																																																	
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goods is dismantled in parts colli: 1 Container: TCLU 852232-9 Brutto: 2079 kg Netto: 1792 kg Country of origin: Czech Republic INCOTERMS 2010: DAP Phoenix AZ USA  Plnění je osvobozeno od DPH podle § 66 zákona o dani z přidané hodnoty s nárokem na odpočet daně.  Issuer: Jitka Slaninová j.slavinova@alukov.cz 																																																																			
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LICENCE FEE ALUKOV HZ spol. s r.o. CZ - Bob Brooks, NY, USA

Object : Patent No: US 6,637,160 B2

Alukov models concern licence fee:

UNIVERSE, LAGUNA, TROPEA, ELEGANT, STYLE, VERANDA , Olympic 1/4 +/- of a Circle (Low  
(Arched shape or part of arched shape without connections)

ALUKOV DESIGNS :

Low-Height Enclosures: ELEGANT

Medium-Height Enclosures: UNIVERSE, TROPEA

High Enclosures: LAGUNA, STYLE, VERANDA

ALUKOV model Olympic is out of enclosures concerns licence fee.

Validity of patent: from Jul. 10, 2001 to Jul. 10, 2021

Year	Fee	Fee
2009	5.50%	5.50%
2010	5.50%	5.50%
2011	5.00%	5.00%
2012	5.00%	5.00%
2013	4.50%	4.75%
2014	4.00%	4.50%
2015	4.00%	4.25%
2016	2.00%	4.00%
2017	2.00%	3.75%
2018	2.00%	3.50%
2019	2.00%	3.25%
2020	2.00%	3.00%
2021	2.00%	2.75%

Under licence fee will be Alukov selling prices in EUR fixed in EUR. Please provide current prices quart

Our price list has validity one year. The Price List 2009 come into force 1.3.2009. I will provide you inform  
include valid discount rate for US market. Price list and discount rate is usually change one time in year



IN THE UNITED STATES DISTRICT COURT  
DISTRICT OF UTAH, CENTRAL DIVISION

AQUA SHIELD, INC., a New York )  
Corporation, )  
Plaintiff, )  
vs. ) Case No.  
INTER POOL COVER TEAM, ALUKOV HZ SPOL. ) 2:09-CV-13-TS  
S.RO., ALUKOV, SPOL. S.R.O., POOL & SPA )  
ENCLOSURES, LLC, )  
Defendants. )

BEFORE THE HONORABLE TED STEWART

March 19, 2013

Bench Trial

REPORTED BY: Patti Walker, CSR, RPR, CP  
350 South Main Street, #146, Salt Lake City, Utah 84101

1 may. And if Mr. Zenger decides he needs to, he can as well.

2 MR. COFFEY: Very fine. Thank you.

3 Shall I proceed?

4 THE COURT: Yes, please.

5 MR. COFFEY: Your Honor, may it please the Court,  
6 I will be very brief as I recognize this is a bench trial  
7 and that the arguments of lawyers are not as dispositive as  
8 the witnesses we're about to hear in this case. I think  
9 it's important to highlight a couple of points before we  
10 begin the live testimony, Your Honor.

11 This is a damages trial. The issue of  
12 infringement has been decided and the issue of invalidity  
13 has further been decided. So what we're facing here for the  
14 short period we will be before Your Honor, and hopefully  
15 efficiently, is the issue of really a proof hearing. What  
16 makes this different than a typical proof hearing, Your  
17 Honor, is this is a patent case. And to that extent, we  
18 look at four components of damages.

19 One of those components based upon Your Honor's  
20 finding of liability for infringement is nondiscretionary,  
21 the other three are completely discretionary, and the last  
22 two have to be proven by the plaintiff by clear and  
23 convincing evidence.

24 And they are summarized in my trial brief and  
25 addressed by Mr. Zenger in his trial brief, so I won't spend

1 would be subject to the reasonable royalty, and that will be  
2 an issue of contention. We will present clear and  
3 convincing evidence, Your Honor, not to ever at any time in  
4 this trial address the issue of infringement. That ship has  
5 sailed. Any testimony that I will elicit from witnesses,  
6 whether it's on cross or whether it's on direct, will be  
7 linked to the issue of damages.

8           You will hear testimony from our witnesses that  
9 will bring out the fact that only seven of these pool  
10 enclosures that were sold contain removable end panels,  
11 which is the amendment to the patent that Mr. Brooks, as the  
12 inventor and the plaintiff in this case, changed from the  
13 prior art. That you will hear a lot about and that's very  
14 significant because our position, Your Honor, is that that  
15 is what makes the of what different, that it makes the seven  
16 enclosures subject to the royalty and not the 77 enclosures  
17 that are in play.

18           Briefly, Your Honor, the other three components of  
19 this claim for damages are lost profits. And lost profits,  
20 again, are based upon a preponderance standard and they have  
21 to represent what the plaintiff could actually have lost.

22           What you will hear, Your Honor, a theme throughout  
23 this case, and with every level of respect to Aqua Shield's  
24 enclosure, is that it addressed a different market. It was  
25 a Chevrolet. The Pool & Spa enclosure, because of its many

1 A Yes.

2 Q These first three pages are a summary of the infringing  
3 devices sold by Pool & Spa from 2007 through February 12,  
4 2013, correct?

5 A Yes.

6 Q Now if you would look for me under the -- there is a  
7 heading called name. Do you see that?

8 A Yes.

9 Q And the field here, the data that was given to us is  
10 truncated. It gets cut off. Do you see on that first  
11 entry, the name is Bitzan, Mark & Ka. Where was that device  
12 sold -- what state was that device sold into?

13 A That one was Wisconsin.

14 Q I made a request for this additional data. Did your  
15 lawyer give you that request?

16 A What additional data?

17 Q For that kind of data that is not given here.

18 A As far as location?

19 Q Yeah.

20 A No, I'm not aware of --

21 MR. ZENGER: Your Honor, I have a problem and it's  
22 going to come up over and over again and I'm not sure how to  
23 deal with it, but we asked for the data of their sales.  
24 They give us truncated data like this. They gave us, in a  
25 subsequent production, the underlying documents to inspect

1 as we had requested and they redact all of the information  
2 about where these devices are being sold. So it put us in a  
3 very difficult position as to be able to do some of the  
4 analysis that we wanted to with respect to damages.

5 So I'm going to ask him a general question because  
6 I think it's important to the view you take of their damage  
7 numbers and the case law that says that when their records  
8 are inadequate, that their records should be construed in  
9 favor of the plaintiff in their damage position because here  
10 I stand trying to prove damages with withheld information.

11 BY MR. ZENGER:

12 Q So, Mr. Stonkus, as you look down this list, everywhere  
13 where there's these ellipses, these three dot dots, I'm  
14 missing either information about names or states, correct?

15 A No, that's just -- this was generated from QuickBooks.  
16 This document is just not states, no. It does not spit out  
17 states in this document. You are just missing -- KA is  
18 Kathy. The LY is Lynn.

19 Q Go down to the third one. It says, Ord, Kathy CA.  
20 That means California, right?

21 A That is correct.

22 Q So that name field has not only the name but the state,  
23 right?

24 A I am not aware of that, no.

25 Q You don't know what data is on this list?

1 A No, no. The QuickBooks I requested from our accountant  
2 and this is what was given to me.

3 Q You did prepare, however, invoices -- the underlying  
4 documents that support these sales for production, didn't  
5 you?

6 A Yes, that was requested as well.

7 Q When you did that you redacted the addresses of all of  
8 the customers, didn't you?

9 A Yes.

10 Q Now these three pages, IPC 100 to 101, are, again, a  
11 summary of the infringing sales, correct?

12 A Yes.

13 Q Now how many sales have been made of infringing devices  
14 of the models that I listed since February 12th, 2013? Here  
15 we are about five weeks later. Have you made additional  
16 sales in the last five weeks?

17 A Of the infringing, no.

18 Q No Universe models have been sold?

19 A Nothing that infringes.

20 Q I'm going to ask it a different way, sir, to make sure  
21 I'm getting the response. Has Pool & Spa Enclosures since  
22 February 12th, 2013 sold any model Universe pool enclosures?

23 A Yes.

24 Q How many?

25 A If memory serves me right, one.



1 A They are members, yes.

2 Q And Pool & Spa is a member of that association,  
3 correct?

4 A Yes.

5 Q And everybody is working together to sell Alukov's pool  
6 enclosures throughout the world and in the United States,  
7 correct?

8 A Yes.

9 Q And part of those -- and those include the infringing  
10 devices in this case, right?

11 A Yes.

12 Q And it's the belief of IPC, the Alukov defendants and  
13 Pool & Spa Enclosures that the IPC Team is the world's  
14 largest network of manufacturers of retailers of swimming  
15 pool enclosures, correct?

16 A Yes.

17 Q And that makes IPC one of the industry giants, correct?  
18 The IPC Team industry giants, right?

19 A There are bigger companies than we are.

20 Q But you are one of the industry giants, right?

21 A Alukov is one of the largest producers, yes.

22 Q In fact, this association of the defendants compromises  
23 a worldwide sales network specializing in swimming pool  
24 enclosures, right?

25 A Yes.

1 Q And through Pool & Spa Enclosures, LLC, IPC Team has a  
2 member present in the United States, correct?

3 A Yes.

4 Q And Pool & Spa holds this association out as the  
5 leaders in the swimming pool enclosure industry, right?

6 A Yes.

7 Q And the objectives of the association of the defendants  
8 is to market and brand -- or market and promote the brand  
9 products of the association, correct?

10 A Yes.

11 Q So in doing that, what the association of defendants in  
12 this case do is that you coordinate your actions and you  
13 cooperate between each other with respect to production,  
14 sales, marketing and information, correct?

15 MR. COFFEY: Your Honor, I object. This is a  
16 patent infringement case, not an antitrust case. I quite  
17 frankly think that this line of questioning does not go to  
18 the issues of damages in this case.

19 MR. ZENGER: Your Honor, it goes square to  
20 willfulness, and I will present it in my trial brief. I am  
21 almost done with this section, so I will move on.

22 THE COURT: Briefly, but go ahead.

23 MR. ZENGER: Thank you.

24 Can I have the last question read back.

25 (Whereupon, Mr. Zenger's question on page 24, line

1 trends in our industry. The industry is --

2 Q Maybe that's a bad word. Let me ask it a different  
3 way.

4 Pool & Spa Enclosures sells pool enclosures in the  
5 United States, right?

6 A Yes.

7 Q And part of your business operation is you monitor what  
8 other people are selling, correct?

9 A I look at -- you're referring to looking at other  
10 people's Web sites?

11 Q Web sites, products, their exhibits at trade shows, the  
12 like.

13 A Yes.

14 Q Thank you.

15 Now Alukov is a member of the IPC Team, correct?

16 A Yes.

17 Q The Alukov defendants. And they have over 15,000  
18 customers worldwide, correct?

19 A Yes.

20 Q And they claim to sell over 3,000 enclosures every  
21 year, correct?

22 A That is correct. Well, not every year, but obviously  
23 over several years. That trend is moving.

24 Q And Alukov holds itself out as the major innovator of  
25 technology development for pool enclosures, correct?

1 A Yes.

2 Q And Pool & Spa Enclosures' Web site has a link to the  
3 Alukov Web site, correct?

4 A Yes.

5 Q Both the Pool & Spa Web site and the Alukov Web site  
6 both promote and market the infringing devices, correct?

7 A Yes.

8 Q Those can all be viewed by anyone in the United States,  
9 correct?

10 A Yes.

11 Q It's true, isn't it, that in February of 2012 the IPC  
12 Team attended the Spring Home Show in New Jersey?

13 A Yes.

14 Q And at that Spring Home Show they were promoting the  
15 infringing devices, correct? The infringing pool  
16 enclosures, correct?

17 A Yes.

18 THE COURT: What was the year again?

19 MR. ZENGER: That's February of 2012, Your Honor.

20 BY MR. ZENGER:

21 Q Also in March of 2012, the IPC Team attended the 12th  
22 Annual New Jersey Home and Garden Show, correct?

23 A I believe, yes.

24 Q And at that trade show they were also promoting the  
25 infringing devices, correct?

1 A Yes.

2 Q And in March of 2012, the IPC Team also attended the  
3 Greater Philadelphia Spring Home Show and promoted the  
4 infringing devices, correct?

5 A Yes.

6 Q And Pool & Spa Enclosures participated in the following  
7 events. In 2012, Pool & Spa -- this is January of 2012,  
8 Pool & Spa participated in the Atlantic City Pool & Spa Show  
9 promoting the infringing devices, correct?

10 A Yes.

11 Q And offering them for sale, correct?

12 A Yes.

13 Q And making sales at that show, correct?

14 A No.

15 Q No sales were made?

16 A Zero.

17 Q Offers for sale, right?

18 A No.

19 Q You were offering the infringing devices for sale,  
20 right?

21 A There was no pricing discussed, specific customers  
22 or -- no, no.

23 Q So you don't go to those shows to try to solicit  
24 customers?

25 A No. These are dealers. There are not customers.

1 These are not end users predominantly.

2 Q Dealers buy from you and resell, correct?

3 A They do, yes.

4 Q You were offering the infringing devices to the dealers

5 for further sale, correct?

6 A Yes.

7 Q Pool & Spa did the same thing in February of 2012 at

8 the Suburban Pennsylvania Spring Home Show, correct?

9 A Yes.

10 Q Also in February of 2012 at the New Jersey Spring Home

11 Show, correct?

12 A Yes.

13 Q Again in March of 2012 at the 12th Annual New Jersey

14 Home and Garden Show, correct?

15 A Yes.

16 Q In fact, there were approximately 15 other shows in the

17 United States in 2012 at which Pool & Spa promoted, marketed

18 and offered the infringing devices for sale, correct?

19 A Sounds accurate, yes.

20 Q At one or more of those the IPC Team participated,

21 right?

22 A At one show, yeah.

23 Q And at one or more of them representatives of the

24 Alukov defendants participated, correct?

25 A Yes.

1 Q Even in January of this year, January 29th through 31st  
2 of this year, Pool & Spa was at the Atlantic City Pool & Spa  
3 Show promoting, marketing and offering the infringing  
4 devices for sale, correct?

5 A Yes.

6 Q And in this year also, a month ago, in February, from  
7 the 15th to the 17th, Pool & Spa Enclosures attended the New  
8 Jersey Spring Home Show offering, promoting and marketing  
9 the infringing devices, correct?

10 A Yes.

11 Q And did you attend the 24th Annual New Jersey Home Show  
12 on March 8th through 10th this month?

13 A Yes.

14 Q At that show Pool & Spa Enclosures continued to  
15 promote, market and offer for sale the infringing devices,  
16 correct?

17 A Yes.

18 Q And there is a show scheduled for April 5th through  
19 7th, of next month, called the Long Island Spring Home Tub  
20 and Landscape Show, correct?

21 A Yes.

22 Q Pool & Spa is intending to attend that show, right?

23 A Yes.

24 Q And absent an injunction from this Court, Pool & Spa is  
25 preparing to promote, market and offer for sale the

1 infringing devices, correct?

2 MR. COFFEY: I object, Your Honor, that calls for  
3 a legal conclusion. This witness isn't qualified to testify  
4 what the legal outcome of this case may be. But if  
5 Mr. Zenger wants to ask him whether he intends to go to that  
6 show, I have no objection.

7 BY MR. ZENGER:

8 Q Does Pool & Spa intend to attend the Long Island Spring  
9 Home Show April 5th through 7th, 2013?

10 A Yes.

11 Q Does Pool & Spa presently intend to promote, market and  
12 offer for sale the infringing devices, correct?

13 A Yes.

14 Q The same is true with respect to the upcoming show in  
15 Philadelphia, called the Greater Philadelphia Spring Show,  
16 on April 19th through 21st of this year?

17 A Yes.

18 Q And Pool & Spa intends to promote, market, and/or offer  
19 for sale the infringing devices, correct?

20 A Yes.

21 Q Now when Alukov manufactured the infringing devices in  
22 this case from 2007 to the present in connection with any  
23 purchase orders from Pool & Spa, Alukov knew that those  
24 infringing devices were going to be sent into the United  
25 States, correct?



1 A Yes.

2 Q And Alukov also knew that they were going to be  
3 marketed in the United States, correct?

4 A Yes.

5 Q And the intent was to sell them in the United States?

6 A Yes.

7 Q Alukov knew all of this before the devices ever left  
8 the Czech Republic, right?

9 A Yes.

10 Q In fact, they encouraged you and Pool & Spa Enclosures  
11 to do just that, correct?

12 A Yes.

13 Q Do you recall selling a Pool & Spa enclosure to a  
14 customer in Alameda, California?

15 A I don't know. What's the name?

16 Q Do you remember a Mr. Rex Liu?

17 A Liu, Rex, yes.

18 Q You sold a device to Mr. Liu, didn't you?

19 A Yes.

20 Q And when was that device installed?

21 A I don't know. We didn't install it.

22 Q You sold it to him?

23 A We sold it.

24 Q When?

25 A Maybe two years ago, I guess.

1 Q Would you turn to Exhibit 16, please. The first three  
2 pages of Exhibit 16 are a summary of Pool & Spa Enclosures'  
3 infringing sales in the United States, correct?

4 A Yes.

5 Q Tell me which one of those on those first three pages,  
6 IPC 100, 101 or 102, is the sale to Mr. Rex Liu in Alameda,  
7 California.

8 A It's not there.

9 THE COURT: Why isn't it there?

10 THE WITNESS: It's not there because it's not one  
11 of the infringing models.

12 BY MR. ZENGER:

13 Q What model is it?

14 A The Elegant model is what he purchased.

15 Q Mr. Stonkus, it's true, isn't it, that when Pool & Spa  
16 Enclosures sells its pool enclosures, it likes to sell them  
17 to an informed customer -- an informed dealer or customer,  
18 correct?

19 A Yes.

20 Q And in doing that, Pool & Spa tries to educate that  
21 dealer or customer as to the different features or benefits  
22 of the pool enclosures sold by Pool & Spa, correct?

23 A Yes.

24 Q And from 2008 forward, Pool & Spa on a regular basis  
25 sold infringing products, correct?

1 A Yes.

2 Q And they sold them to informed customers, correct?

3 A Yes.

4 Q And those informed customers chose the infringing  
5 devices over any other pool enclosure of Pool & Spa,  
6 correct?

7 A Yes.

8 Q What is the overall profit margin for Pool & Spa's  
9 business?

10 A Are we talking about gross margin?

11 Q Gross margin.

12 A Generally in the 25-percent range.

13 Q So 20 to 30 -- about 25?

14 A 25-percent range, yes.

15 Q That has been the same from 2008 to the present?

16 A It's maintained fairly constant. There will be some  
17 less and some more.

18 Q It kind of averages out, the gross profit margin, to  
19 about 25 percent. Thank you.

20 A That's before all our expenses.

21 Q And what is it after your expenses?

22 A We operate every year at a loss.

23 Q So every fiscal year from 2008 to the present has been  
24 a loss year?

25 A That is correct.

1 Q Have there been investors to keep the company going?

2 A Yes.

3 Q Who are those investors? Let me ask this.

4 THE COURT: Is that relevant?

5 MR. ZENGER: Let me ask it this way, Your Honor,  
6 if I may.

7 BY MR. ZENGER:

8 Q Has Pool & Spa Enclosures enjoyed financial backing  
9 from members of the IPC Team?

10 A No.

11 Q Has Pool & Spa Enclosures benefited from financial  
12 backing from any of the Alukov defendants?

13 A No.

14 Q Has Pool & Spa Enclosures benefited by financial  
15 backing from any officers, directors or owners of the Alukov  
16 defendants?

17 A Yes.

18 Q Was that done for the purpose and benefit to keep  
19 Pool & Spa Enclosures alive so that it could sell infringing  
20 devices in the United States and develop the United States  
21 market?

22 MR. COFFEY: I object to the form. I don't think  
23 there was a foundation laid for that to the extent it uses  
24 the term kept them in business to sell infringing devices.  
25 If you want to ask him the question whether they financially

1 backed him in order to keep them in business, I think that's  
2 one question.

3 BY MR. ZENGER:

4 Q Was the financial backing in order to keep Pool & Spa  
5 Enclosures in business so it could sell infringing devices  
6 in the United States?

7 A So we could continue operating business, yes.

8 Q With respect to the Alukov defendants -- with respect  
9 to the Alukov defendants and the size of their operation, if  
10 they were to produce, say, two dozen less enclosures per  
11 year out of the maybe 3,000 that they make, that wouldn't  
12 require them to downsize in their physical facilities, would  
13 it?

14 A I don't believe so.

15 Q Or downsize in their personnel?

16 A I don't believe so.

17 Q It wouldn't affect them in any way with respect to  
18 getting value out of the use of their existing equipment,  
19 correct?

20 A I don't believe so.

21 Q Who at Alukov came up with the design for the  
22 infringing products?

23 A Alukov was manufacturing the same product that you see  
24 today in 1985, and companies well before that were  
25 manufacturing the product as well overseas.

1 MR. COFFEY: I'm having trouble hearing  
2 Mr. Zenger. I'm sorry.

3 MR. ZENGER: Sorry. I can't move this mike. I  
4 will do my best.

5 THE COURT: Try to speak into it more, if you  
6 would, Mr. Zenger.

7 MR. ZENGER: Sure. Thank you, Your Honor.

8 BY MR. ZENGER:

9 Q What claim elements were lacking from the claims as  
10 they were discussed in 2008?

11 A The detachable faces.

12 Q Anything else?

13 A The design, which straps and hooks that were used in  
14 the patent.

15 Q Anything else?

16 A Those are primarily the issues.

17 Q I want to ask you a little bit about the construction  
18 of the Pool & Spa Enclosures. When they are manufactured at  
19 Alukov, they are shipped in parts, correct, to the United  
20 States?

21 A No, not all the time.

22 Q Do they come completely assembled?

23 A At times, yes, depending on the size of them.

24 Q It's quite often that the devices come with the arches  
25 and end panels disconnected from each other, correct?

1 A They will come that way, yes.

2 Q During the assembly if they come disconnected, the  
3 arches are put in place and the end panels are bolted on,  
4 right?

5 A Yes.

6 Q Do you recall that in November of 2011 the Court ruled  
7 that certain models of the Alukov products and those that  
8 were being sold by Pool & Spa infringed?

9 A Yes.

10 Q And after November 28th, 2011, Pool & Spa didn't change  
11 its marketing and promotion of the infringing devices at  
12 all, did it?

13 A What we did is we changed the design of it not to  
14 infringe.

15 Q You have indicated after the -- you were aware that on  
16 January 15th of this year the Court issued a ruling about  
17 the validity of the patent, correct?

18 A Yes.

19 Q Since that time, since after January 15th, 2013,  
20 Pool & Spa Enclosures continued to promote, market and sell  
21 infringing devices, correct?

22 A Again, we changed the design of it not to infringe.

23 Q On Exhibit 16 there's sales -- listings of sales of  
24 infringing devices after January 15th, 2013, correct?

25 A Give me the dates, please.

1 Q January 15th, 2013, there's one or more sales listed on  
2 IPC 100 to 102, correct?

3 A 2013, no.

4 Q IPC 100, in the first category, Laguna, the last sale  
5 listed is January 29th, 2013, correct, sir?

6 A Yes, that's correct.

7 Q You indicated to me before that another Universe design  
8 had been either offered for sale or an order had been placed  
9 for it since that time, correct?

10 A Yes.

11 MR. ZENGER: Your Honor, I have no further  
12 questions for this witness. Thank you.

13 THE COURT: We'll take a 15-minute recess and come  
14 back for cross-examination.

15 MR. COFFEY: Thank you, Your Honor.

16 (Recess)

17 THE COURT: Mr. Coffey.

18 MR. COFFEY: Thank you, Your Honor.

19 THE COURT: Mr. Stonkus, if you would please  
20 retake the witness chair, please.

21 MR. COFFEY: Mr. Stonkus, I remind you that you  
22 are still under oath.

23 Also, Your Honor, I would just advise the Court  
24 that I do intend to call Mr. Stonkus as a direct witness on  
25 the defense case, so I will only cover, consistent with our



1 Exhibit 16.

2 THE COURT: Mr. Coffey, do you have any dispute as  
3 to whether or not those infringing sales listed on Exhibit  
4 16 did, in fact, infringe?

5 MR. COFFEY: We do dispute that the 77 enclosures  
6 do not all infringe. We believe that only seven of those  
7 enclosures infringe to the extent that only seven contain  
8 removable end panels. And the prior art provides for  
9 everything in this case, Your Honor. I do not intend to  
10 reopen infringement before the Court. I will stipulate to  
11 that. But to the point of willfulness, I think the issue of  
12 the modifications that Pool & Spa has tried to make on those  
13 models is testimony that should be heard.

14 MR. ZENGER: Your Honor, here's the problem. He  
15 wants to say these devices don't infringe. We asked him for  
16 that data during discovery. Since we asked for discovery,  
17 he should have put that on. When we had our motion for  
18 summary judgment, he should have done all those things.  
19 Here we stand now in trial and they want to tell you why the  
20 very models that you found infringe don't infringe. They  
21 want to open it up. They want to say it lacks this element,  
22 it lacks that element. That day is gone.

23 MR. COFFEY: I'm not trying to argue that,  
24 Your Honor.

25 MR. ZENGER: Excuse me. Let me finish, please.

1 Sir, let me finish.

2 THE COURT: Counsel, you go ahead and ask your  
3 questions. We'll deal with this in findings of fact and  
4 conclusions of law.

5 I will, however, remind you, Mr. Coffey, that, in  
6 fact, there was a motion in limine that was filed and the  
7 Court granted it and I do not expect you to ignore the  
8 Court's ruling on that.

9 MR. ZENGER: It was for this very issue, Your  
10 Honor.

11 THE COURT: It may be clear to you, Mr. Zenger,  
12 but it's not clear to the Court. So I'm going to have to  
13 let this play out a little bit.

14 MR. COFFEY: Thank you, Your Honor.

15 We do, though, to clarify, stipulate that the 77  
16 models that are included in the production, and I don't want  
17 to revisit it now because we've got a witness, but those  
18 were the models that were identified. So we're not  
19 disputing that here. But for purposes of willfulness, I'm  
20 asking the witness questions about modifications, and that's  
21 what I intend to limit my questioning to.

22 BY MR. COFFEY:

23 Q Mr. Stonkus, do you recall the testimony you gave about  
24 making changes?

25 A Yes.

1 BY MR. COFFEY:

2 Q Have you seen the Aqua Shield pool enclosures at any of  
3 the pool shows you've gone to?

4 A No, never.

5 Q Have you ever seen an Aqua Shield pool enclosure  
6 installed?

7 A No.

8 Q So how would you be familiar with the Aqua Shield pool  
9 enclosure?

10 A By looking at the patent. Other than that -- and their  
11 Web site.

12 Q Have you looked at the Aqua Shield Web site?

13 A Yes.

14 Q And where are the removable faces located, if you can  
15 describe that for the Court?

16 A Sure. In a particular enclosure there are two ends --

17 MR. ZENGER: Objection, hearsay, Your Honor.

18 BY MR. COFFEY:

19 Q You can answer.

20 A There are two ends to the enclosure, and those are the  
21 faces. What everybody calls in the industry the faces are  
22 the two ends.

23 Q I'm almost finished with this line, Your Honor, but,  
24 Mr. Stonkus, do you understand that these pool enclosures,  
25 both the Aqua Shield product and the Pool & Spa and Alukov

1 BY MR. COFFEY:

2 Q Are you aware, Mr. Stonkus, that Pool & Spa has  
3 identified in this case 74 enclosures that were sold?

4 A Yes.

5 Q And are those 74 enclosures the models that were  
6 identified and correlate to the summary judgment  
7 determination identifying the models that were infringing?

8 A Yes.

9 Q There were also seven models that were identified as  
10 part of that 74 sales, correct?

11 A Yes.

12 Q Why did you identify seven models of those 74 sales  
13 separately?

14 A Those seven models were the only ones that had  
15 detachable faces.

16 MR. ZENGER: Objection, request the answer be  
17 stricken pursuant to the Court's motion in limine.

18 THE COURT: Just one second. I'm reading that  
19 order right now. Just give me a moment.

20 I will sustain the objection.

21 MR. COFFEY: I will rephrase the question, Your  
22 Honor.

23 BY MR. COFFEY:

24 Q Mr. Stonkus, can you tell the Court why, until the  
25 summary judgment and validity motions in this case were

1 to us in this case, has it?

2 A I don't know.

3 Q Who wrote it?

4 A Counsel.

5 Q Who?

6 A Mr. Coffey.

7 Q Is Mr. Coffey patent counsel?

8 A He is my counsel.

9 Q You don't know if he's a registered patent attorney, do  
10 you?

11 A No, I don't.

12 Q When was this report given to you?

13 A I don't recall.

14 Q Are you relying on that document as part of your basis  
15 for your belief that you didn't -- that the defendants  
16 didn't infringe?

17 A No. More specifically about court rulings.

18 Q In this case the defendants have chosen not to produce  
19 that opinion, correct?

20 A I am not aware of that. I'm not aware you've asked for  
21 it.

22 Q But you are aware that it has never been produced in  
23 this case, correct?

24 MR. COFFEY: Are we talking about the Court  
25 opinion?

1 MR. ZENGER: No, counsel's written opinion.

2 MR. COFFEY: Well, to the extent it would involve  
3 attorney/client, okay, I will withdraw my objection.

4 BY MR. ZENGER:

5 Q As a representative of IPC Team and Alukov and  
6 Pool & Spa Enclosures, any written opinion of counsel has  
7 never been produced to the plaintiffs in this case, correct?

8 A I've received attorney/client privilege e-mails about  
9 the case.

10 THE COURT: That's not the question.

11 BY MR. ZENGER:

12 Q That's not the question.

13 In this case any written opinion of counsel with  
14 respect to infringement has not been produced to the  
15 plaintiff and presented to the Court in this case, correct?

16 A To my knowledge, yes.

17 Q The same is true with respect to any written opinion,  
18 if there be any, as to invalidity, correct?

19 A Uh-huh. (Affirmative)

20 Q Did that writing from Mr. Coffey also address  
21 invalidity?

22 A I don't recall.

23 Q You don't have any evidence, do you, sir, that before  
24 July of 2000 that a pool enclosure protected by the claims  
25 of the 160 patent were sold by anyone in the United States,

1 correct?

2 MR. COFFEY: I'm sorry. I didn't hear the  
3 question, Mr. Zenger. Would you repeat it?

4 MR. ZENGER: Yes.

5 BY MR. ZENGER:

6 Q It's true, isn't it, Mr. Stonkus, the defendants have  
7 no evidence that any pool enclosure protected by the  
8 claims -- by the infringed claims of the 160 patent were on  
9 sale in the United States before July of 2000?

10 A I am not aware of -- are you asking if anything was  
11 sold prior to --

12 Q I'm asking if you have any evidence of such a thing.

13 A The only one I have evidence of is the one in Utah and  
14 the ones that Pool & Spa Enclosures sold as of 2007.

15 Q But none before July of 2000, correct?

16 A That is correct. I'm not aware of any.

17 Q And as you sit here today, the only two suppliers of  
18 the devices are Aqua Shield and the defendants in this case,  
19 right?

20 A The only two suppliers? No.

21 Q The only two suppliers of any devices that are  
22 protected by the claims of the 160 patent?

23 A Are you asking if there are other companies selling the  
24 enclosures?

25 Q I'm asking you if there is any other company in this

1 Exhibit 10.

2 THE COURT: Mr. Coffey, any objection?

3 MR. COFFEY: No objection, Your Honor.

4 THE COURT: It will be admitted.

5 (Plaintiff's Exhibit 10 was received into  
6 evidence.)

7 BY MR. ZENGER:

8 Q Mr. Brooks, has Aqua Shield ever licensed anyone to  
9 practice -- or to make any pool enclosures or sell any pool  
10 enclosures covered by the 160 patent?

11 A Never.

12 Q Why?

13 A Because we intend to manufacture and distribute our  
14 product ourselves. We build the market just to do it  
15 ourselves exclusively.

16 Q Did anyone from the defendants ever have a discussion  
17 with you about any license of the 160 patent?

18 A Kind of.

19 Q What happened?

20 A The first time our lawyer calls us and said that IPC  
21 want to talk to us, and Jan Zitko will be at Atlantic City  
22 pool show at the show. I went there to talk to him.

23 At the show, we met at the restaurant during the show  
24 at lunchtime. I believe there was Jan Zitko, there was Alex  
25 Stonkus, and I was with my manager, and there was somebody



1 Q Why did price go down?

2 A We have to compete with their price.

3 Q So tell me what happened with your pricing to make it  
4 go down after the defendants entered the market.

5 A Well, they post the prices on the Web site cheaper than  
6 ours at that time and I was forced to lower my price cheaper  
7 than them just to make sales. Besides that every other call  
8 that we receive from customers that we used to be by  
9 ourself, exclusive producers of this product on the market  
10 that we built, now we have calls that we could get similar  
11 product from IPC, and IPC said that you are going out of  
12 business, so much that information was leaked to the  
13 customers. You decide.

14 MR. ZENGER: Your Honor, we can take a break here.

15 THE COURT: We'll take 20 minutes. Thank you.

16 MR. ZENGER: Your Honor, how long are we going to  
17 go today?

18 THE COURT: Until 1:30.

19 (Recess)

20 THE COURT: Go ahead, Mr. Zenger.

21 BY MR. ZENGER:

22 Q Mr. Brooks, you had indicated that from 2006 to after  
23 2006 you had an increase in expenses. Did you have increase  
24 in your advertising expenses?

25 A Yes.

1 Q What type that you didn't have before 2006?

2 MR. COFFEY: I'm sorry, Mr. Zenger. Could I ask  
3 you to keep your voice up again?

4 THE WITNESS: I'm sorry. Say again.

5 BY MR. ZENGER:

6 Q After 2006, did you have expenses that you didn't have  
7 prior to 2006 for your advertising?

8 A I had the same expenses, they just increased in dollar  
9 amount.

10 Q Can you give the Court an example?

11 A Example is Google Paperclip. We used to pay 1500 to  
12 \$2200 a month for Paperclip on Google advertisement. It's  
13 an auction. It's an ongoing auction for advertisement.  
14 When they came to the market, IPC, they put themselves right  
15 in the top as the highest bidder advertising on Google from  
16 2000, so I know everything about it, how to be the top, and  
17 that's where they are, and right now four to \$6,000 monthly.

18 Q So you have an increase of two to \$4,000 per month?

19 A Yes.

20 Q Are you able to raise your price in order to recoup  
21 that advertising expense?

22 A No.

23 Q Why not?

24 A We have to lower to compete with them.

25 Q Since 2006 how many suppliers have there been in the

1 models were -- or certain of them were infringing?

2 A When the summary judgment was done and then the  
3 validity ruling this year.

4 Q If I suggested to you that the summary judgment was  
5 decided around 2011, would that be consistent with your  
6 memory?

7 A Yes.

8 Q Can you tell the Court whether you had an expectation  
9 at any time prior to that -- I'm initially talking about  
10 Alex Stonkus -- that the Pool & Spa enclosures, which became  
11 the determination on summary judgment, were infringing the  
12 160 patent that's at issue in this case?

13 A No, I never believed that they would infringe. Alukov  
14 had been making these enclosures years before -- identical,  
15 continuous, moon shape, ellipse type look years before Aqua  
16 Shield had received the patent. So no, I never thought it  
17 would be an issue.

18 Q Are you aware that Aqua Shield's counsel sent a cease  
19 and desist letter to Alukov at some point?

20 A Yes.

21 Q And what did that cease and desist letter seek to do?

22 A To stop us from selling what were perceived as  
23 infringing enclosures in the United States.

24 Q Are you testifying today as the company representative  
25 of all of the defendants?

1 the enclosure. You can't get -- can you get it apart? Of  
2 course. You can take apart a building or take apart a car.  
3 But you have to go through a completely taking out, you  
4 know, between rivets, between screws, between plugs. So  
5 it's something you don't -- it's not a quick two-minute  
6 detach, take off, put in the garage or put on the side.  
7 It's a very cumbersome process and it is not -- you know,  
8 customers don't do that.

9 Q After you found out about the infringement  
10 determination by the Utah court, why did you choose to  
11 modify the product by fixing the end panels as opposed to  
12 some other change?

13 A Well, the end panels were to me, and what I have seen  
14 in the prior patent that was already out there and  
15 Mr. Brooks -- you know, I don't want to say copied, that's  
16 the wrong word, but the prior patent that was out there did  
17 not have detachable panels. And so when I looked at the new  
18 patent, to me, and I'm not a patent attorney, but the main  
19 difference is one had a detachable panel and the other one  
20 didn't. So we decided to make it a permanent panel.

21 Q You did have occasion -- understanding you are not an  
22 expert and also understanding -- I'm going to be very  
23 limited with these questions -- also understanding that  
24 we're not trying the issue of infringement here, you did  
25 have the opportunity at some point to inspect the prior

1 times on this.

2 THE COURT: You did, Mr. Coffey. But this to me  
3 is an area that I don't think is worth spending much time  
4 on, but you may ask a few questions regarding it. All  
5 right.

6 MR. COFFEY: Thank you, Your Honor.

7 MR. ZENGER: Thank you, sir.

8 BY MR. ZENGER:

9 Q There is no evidence presented here today, is there, by  
10 any of the defendants other than your testimony that lots of  
11 other people were making and selling these devices, right?

12 A Mr. Brooks identified companies that are selling pool  
13 enclosures every day.

14 Q But different kinds of pool enclosures, correct?

15 A Pool enclosure is a pool enclosure.

16 Q It's not your testimony, is it, sir, that anyone was  
17 selling the pool enclosures protected by the 160 patent in  
18 the United States before Mr. Brooks, correct -- before Aqua  
19 Shield, correct?

20 A I am not aware of anyone.

21 Q You don't have any evidence to that, do you?

22 A I do not.

23 Q You testified earlier that notwithstanding Aqua  
24 Shield's demand on Libart and DynaDome to cease making  
25 infringing devices, that they can continue in business

1 bringing a container here, we're paying the same price  
2 whether there's one enclosure in that or two or three. So  
3 there are times when we have to bring it here, let's say  
4 there's three of them in there, it comes here, well, we may  
5 have to do some minor things to kind of make it more kind of  
6 ready for install for the customer. We'll do that in our  
7 warehouse and then put it on a truck and get it out to them.

8 Q Like what?

9 A We have built -- basically we've shipped pieces here on  
10 small enclosures and built those. We have taken -- that's  
11 pretty well it, because we can consolidate them.

12 Q But otherwise whatever parts that come from Alukov,  
13 it's transferred to another truck and gone to the customers  
14 for installation, right?

15 A Yes. The overwhelming will go as we receive them to  
16 the customer, yes.

17 Q Thank you.

18 You indicated that the company's tax records would show  
19 that there has been a loss for each year that the company  
20 has been in business. And I am not going to ask how many  
21 employees there were per year, but I'm simply going to ask  
22 if you can tell me how much compensation was paid to the  
23 employees in each one of those years, from 2008 to 2012, to  
24 show a loss to the IRS?

25 A I can't draw that number out.

1 Q Can you estimate it for me? I'm not asking for a  
2 breakdown of yours and everybody else's -- let me finish the  
3 question. Based on yours and the other employees you have  
4 there, just give me a rough estimate of the amount of  
5 compensation that was paid to the employees for those years  
6 that resulted in a loss on your taxes.

7 A I would say a range over the years from 200,000 to  
8 300,000.

9 Q Per each of the years 2008 to 2012?

10 A No, no, no. From -- yes, for each -- I mean 2008,  
11 maybe 150, you know, or 100, right around there. I'm  
12 guessing. You know, it probably moved up to about  
13 approximately 200,000.

14 Q In 2009?

15 A 2009, yeah.

16 Q And after that?

17 A Probably maintained around there. Last year was  
18 probably -- 2012 was probably the most, which was about 300,  
19 as I recall.

20 Q Between 2009 and 2012, it ranged between 200 and  
21 300,000?

22 A Probably about right, yeah.

23 Q You testified that you paid commissions to your  
24 salespeople between two and five percent; is that correct?

25 A Yes.

1 Q That's on the gross selling price, correct?

2 A Yes. Let me qualify gross selling price. Less taxes,  
3 which, you know, when we sell a product, we pay tax. We  
4 don't give a commission on the tax that we pay the  
5 government.

6 Q Thank you. Fair. That's sales tax in the United  
7 States you're talking about?

8 A That is correct.

9 Q Thank you.

10 THE COURT: Mr. Zenger, do you have any idea how  
11 much longer you have?

12 MR. ZENGER: Somewhere between maybe 15 minutes  
13 and a half hour.

14 THE COURT: Mr. Coffey, is it your desire to get  
15 Mr. Zitko on and off today?

16 MR. COFFEY: That would be fine, Your Honor.

17 THE COURT: How long do you expect him to take?

18 MR. COFFEY: It depends on Mr. Zenger, but I  
19 wouldn't expect to be calling him separately as a witness.  
20 So if Mr. Zenger were going to have 15 to a half hour with  
21 Mr. Stonkus, I would think we could get pretty close.

22 THE COURT: Again, what I'm suggesting is maybe we  
23 ought to take a break, come back and let Mr. Zitko get on so  
24 he can assure we finish him today.

25 How long do you think you will take with him?



1 rules at that time?

2 A If I know it, I will not do it. If I know at the time,  
3 sure.

4 Q Well, I am not saying that you knew at the time, but  
5 the Court has found certain devices to infringe. And all  
6 I'm saying, in 2005 when you attended the trade shows, you  
7 were promoting the sale of those devices in the United  
8 States, correct?

9 A It's not correct because according to my information  
10 the Court found it in the summary judgment in 2011. We  
11 offer something that is not -- we start something new.

12 Q But in 2005 those were the devices you were offering  
13 for sale in the United States, correct?

14 A 2005, yes, at the fair.

15 Q The same in 2006?

16 A Probably also, but yes. Yes, probably also because we  
17 continuously wanted to sell our product in United States.

18 Q That was continued from 2006 to the present, attending  
19 trade shows, offering these devices for sale, correct?

20 A Yes, until today we attended shows, trade shows, home  
21 shows in the United States. It's basically how to offer our  
22 product, and in Europe. We have every year hundred trade  
23 fairs all over the world. So it's now many -- five years  
24 ago, so it's many, many trade fairs.

25 Q There is a black book in front of you. Do you see that

1 black notebook?

2 A Okay.

3 Q Would you open it up. There are some tabs down the  
4 side. Do you see tab number 16 on the side of the tabs?

5 MR. ZENGER: Your Honor, may I?

6 THE COURT: Yes.

7 BY MR. ZENGER:

8 Q Plaintiff's Exhibit 16, have you seen this list before?

9 A I see many, many, many documents, but particularly this  
10 one, I don't know. Probably not.

11 Q Good answer.

12 A I have seen many, but I am not sure if I have seen  
13 balance from November 27th. I usually don't remember dates  
14 when balance was --

15 Q I want to go to the white notebook instead of the black  
16 notebook. I have opened up for you what is Exhibit HH. Do  
17 you see that, sir?

18 A What?

19 Q You see in the lower right-hand corner the blue sticker  
20 HH?

21 A HH, yes.

22 Q On that first page, do you recognize that document,  
23 that first page?

24 A Yes, it's invoice of Alukov from Czech Republic.

25 Q This is a sale of a device of a pool enclosure to

1 Pool & Spa Enclosures, LLC in the United States, correct?

2 A Yes. Yes, address of customer. It's for Pool & Spa  
3 Enclosures, LLC.

4 Q How much profit did Alukov make on the sale of this  
5 device?

6 A I don't know exactly, but I can say we have yearly  
7 corporate profit from our yearly financial statement between  
8 five and eight percent. It's our net of profit from all of  
9 business that we have. So you can check it. It's public.  
10 It's public issue. So between five and eight percent we  
11 have net profit.

12 Q But Alukov makes thousands of pool enclosures a year,  
13 correct?

14 A Exactly, correct.

15 Q And Alukov ships --

16 A About 2,000.

17 Q 2,000. So the number you just gave me is for all of  
18 those 2,000 devices, right?

19 A It's a number that I gave you, it's total profit. It's  
20 our profit, corporate profit after taxation. In Czech  
21 Republic, we have about between five and eight percent,  
22 depends on the year.

23 Q So that's after tax profit?

24 A It's before taxation, before -- it's roughly ten  
25 percent -- ten percent before taxation, and after taxation

1 it's about five and eight percent.

2 Q But that's for all the products and all the goods and  
3 all the services provided for Alukov, not just for the  
4 devices that have been shown to infringe in this case,  
5 correct?

6 A It's correct because we have only one bookkeeping and  
7 we count all enclosures. It's not other to which country we  
8 send enclosures. It's only one bookkeeping that we have.

9 Q So you are unable to tell me what the profit is on pool  
10 enclosures devices sold just into the United States,  
11 correct?

12 A I am. Yes, I am unable to tell you exactly number.  
13 But if I follow what I said to you, so it's before taxation,  
14 ten percent.

15 Q But you just told me you don't divide it up into  
16 countries. It's for the whole world, right?

17 A It's for the whole company because I have not exactly  
18 information. This is all company.

19 Q Look again, if you would, at that first page in front  
20 of you of Exhibit HH. Do you see that?

21 A Yes.

22 Q How much did it cost Alukov to make that device?

23 A I don't know exact amount, how much money it costs  
24 because it's material cost, the people, labor cost, is  
25 direct cost for labor, for the work of the workers, it's

1 office cost. So it's -- so it's something like this.

2 Q You can't tell me how much it cost to make this device?

3 A I would like to tell you, but I don't know exactly how  
4 much it cost of the enclosures.

5 Q And behind that first page, behind that first page all  
6 the way up to the next tab, do you see that next tab II on  
7 the side?

8 A AA?

9 MR. ZENGER: Your Honor, may I?

10 THE COURT: Yes, and you don't need to ask,  
11 Mr. Zenger.

12 MR. ZENGER: Thank you.

13 BY MR. ZENGER:

14 Q Would your answer be the same for all of the rest of  
15 those, that you are unable to tell me how much it cost  
16 Alukov to make those pool enclosures?

17 A Could you repeat your question, please?

18 Q Can you tell me how much it cost Alukov to make each  
19 and every one of those pool enclosures?

20 A You ask me how much it cost for every piece of  
21 enclosures?

22 Q Yes. I asked you about the first page and you said you  
23 couldn't tell me.

24 A Yes, yes, exactly.

25 Q Is the answer the same for all the rest of those in

1 Exhibit II?

2 A I don't know. I don't know how much is amount -- total  
3 amount of invoices, yes. And after, as I said to you, I  
4 have not exactly calculation for these enclosures. But our  
5 profit before taxation is about ten percent, as I told you.

6 Q Company wide?

7 A All company, all company.

8 Q Thank you.

9 Does your company make a product model named Elegant?

10 A Yes. Yes.

11 Q How much does it cost Alukov to make -- let me ask you  
12 this. As you sit here today, you are not able to tell me  
13 about the costs of Alukov to make any model Elegant pool  
14 enclosures, are you?

15 A I am not able to tell you exactly how much it cost of  
16 the enclosures. If you give me specification, I can ask my  
17 company director about some numbers. But, again, as I said,  
18 you can go to public document in Czech Republic and you can  
19 see our profit before and after taxation. Everything, it's  
20 open in Czech Republic. It's public. It's public. We can  
21 go even right now by Internet and again show you tax report.  
22 We have to note every year profit. It's also sometimes from  
23 the beginning of the company.

24 Q So it could be plus or minus?

25 A Yes, plus or minus, yes, exactly.

1 Q It's very important for the Alukov defendants to be  
2 able to sell pool enclosures in the United States, correct?

3 MR. COFFEY: Objection, Your Honor. I don't know  
4 how that could be relevant to the damage trial. I think  
5 that the issue --

6 THE COURT: I will sustain the objection.

7 BY MR. ZENGER:

8 Q Is Alukov interested in establishing the ability to  
9 sell pool enclosures in the United States?

10 A Yes. If not, we never start business in the United  
11 States. I am businessman like everybody wants to do  
12 something in --

13 Q Is the United States a good market for pool enclosures?

14 MR. COFFEY: Your Honor, again, this whole line of  
15 questioning about it's a good market, I don't know where  
16 this is going to.

17 THE COURT: Mr. Zenger, what is the relevance?

18 MR. ZENGER: The relevance is to profits. And one  
19 of the factors of profits is that there is a market and that  
20 there is a demand for the products. All I'm trying to do is  
21 establish this company recognizes there's a market here.

22 THE COURT: That's been established.

23 MR. ZENGER: Thank you.

24 BY MR. ZENGER:

25 Q Mr. Zitko, you have participated in the preparation of

1 percent before tax and five to eight percent after tax for  
2 sales of enclosures in the United States?

3 A Sometimes we have discount, so our profit is even  
4 smaller because we have special off, like seasonal off. So  
5 sometimes we have even smaller profit.

6 Q For U.S. sales?

7 A For U.S. sales, yes. Because -- may I?

8 Q Now, Mr. Zitko --

9 MR. COFFEY: May I approach and just show the  
10 witness an exhibit, Your Honor?

11 THE COURT: You may and you don't need to ask.

12 Which exhibit?

13 MR. COFFEY: CC.

14 BY MR. COFFEY:

15 Q Can you turn to Exhibit CC, in evidence. Do you see  
16 that document?

17 A Yes.

18 Q CC is in evidence. It's already been put in evidence  
19 in this case. Do you recognize that document?

20 A Yes.

21 Q Did you participate in any way in putting that  
22 document -- the information in that document together? If  
23 you want me to rephrase it, I will rephrase.

24 Are you responsible in any way for the numbers that are  
25 on Exhibit CC in evidence?



1 A Yes, I am.

2 Q And which numbers are you responsible for?

3 A I am responsible for numbers which start 5.5 percent  
4 and the last one is two percent.

5 Q Two percent?

6 A Two percent is the 2021, two percent.

7 Q And just by way of background, can you tell me,  
8 Mr. Zitko, how did this document come about, if you know?

9 A Yes, I know. I know. I met Mr. Brooks in the United  
10 States in Atlantic City. We spoke to each other. It was in  
11 2009. And because I -- and we agreed we would meet, us  
12 together, and we speak about this particular issue.

13 Mr. Brooks came to Florida. We went to lunch. So we  
14 start to speak very friendly. He told me about his  
15 background, about his story of his life. And we have nice  
16 conversation. Our target, we want to avoid to pay high  
17 invoices to our lawyers because I pay every year maybe 50,  
18 60,000 to my lawyer. He told me he will defend his patent.  
19 He had a lot of profit from his business. So he has enough  
20 money. He asked I pay royalty fee and the amount. I said  
21 okay, I prepare royalty fee for you to stop -- to stop -- to  
22 stop this invoicing from the lawyer.

23 Q And does the Exhibit CC in evidence deal with the  
24 negotiation you were having with Mr. Brooks over a royalty  
25 for pool enclosures?

1 A Exactly.

2 Q And is there some column of numbers on Exhibit CC that  
3 Mr. Brooks provided to you?

4 A Yes. Mr. Brooks provided the numbers outside of the  
5 sheet.

6 Q You inserted them in that document? You inserted his  
7 numbers in that document?

8 A Yes.

9 THE COURT: Did he provide them to you at that  
10 lunch?

11 THE WITNESS: No, no, no, no, no. It was -- it  
12 was not at the lunch. At lunch, we only speaking about  
13 the -- generally about the royalties because he asked about  
14 royalties. Later evening or second day, I don't know, I  
15 prepared such proposal for my side.

16 MR. COFFEY: I want to show the witness what I  
17 have had marked SS, and I would ask my co-counsel to provide  
18 copies to the Court and my adversary and the witness.

19 I'm almost finished, Your Honor. I will just give  
20 counsel an opportunity to take a look at that document.

21 MR. ZENGER: Thank you.

22 BY MR. COFFEY:

23 Q Mr. Zitko, have you ever seen the document I've marked  
24 SS?

25 A Yes.

APPEAL,CLOSED,PATENT

**US District Court Electronic Case Filing System  
District of Utah (Central)  
CIVIL DOCKET FOR CASE #: 2:09-cv-00013-TS**

Aqua Shield v. Interpool Pool Cover Team  
Assigned to: Judge Ted Stewart  
Case in other court: Federal Circuit, 14-01263  
Federal Circuit, 15-02009  
Federal Circuit, 15-02055  
USDC Eastern District of New York,  
Brooklyn, 1:05cv04880-CBA-SMG  
Cause: 35:0271 Patent Infringement

Date Filed: 01/07/2009  
Date Terminated: 08/14/2013  
Jury Demand: Plaintiff  
Nature of Suit: 830 Patent  
Jurisdiction: Federal Question

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Date Filed	#	Docket Text
01/07/2009	<u>1</u>	Case transferred in from District of Eastern New York; Case Number 1:05cv04880-CBA-SMG. Original file with documents numbered 1-40, certified copy of transfer order and docket sheet received., filed by Aqua Shield. (Attachments: # <u>1</u> Transfer letter) Assigned to Judge Ted Stewart (las) (Entered: 01/08/2009)
01/07/2009	<u>2</u>	File Received from USDC Eastern District of New York consisting of 1-15 (Attachments: # <u>1</u> Civil Cover Sheet, # <u>2</u> Doc 2 unsigned order to show cause, # <u>3</u> Doc 3 Memo in support, # <u>4</u> Doc 4 Order to show cause, # <u>5</u> Doc 5 Response to OSC, # <u>6</u> Doc 6 Affidavit, # <u>7</u> Doc 7 Scheduling order, # <u>8</u> Doc 8 letter to Judge, # <u>9</u> Doc 9 Notice of appearance, # <u>10</u> Doc 10-1 Memo in support, # <u>11</u> Doc 10-2 Attachment 1, # <u>12</u> Doc 10-3 Attachment 2, # <u>13</u> Doc 11-1 Affidavit in support, # <u>14</u> Doc 11-2 Attachment 1, # <u>15</u> Doc 12-1 Reply in support, # <u>16</u> Doc 12-2 Attachment 1, # <u>17</u> Doc 12-3 Attachment 2, # <u>18</u> Doc 13 Affidavit of service, # <u>19</u> Doc 14 Affidavit of service, # <u>20</u> Doc 15 Memo in opposition) (las) (Entered: 01/08/2009)
01/07/2009	<u>3</u>	File Received from USDC Eastern District of New York consisting of 16-30 (Attachments: # <u>1</u> Doc 17 Letter to Judge, # <u>2</u> Doc 18 Letter to Judge, # <u>3</u> Doc 19 Motion to Adjourn, # <u>4</u> Doc 20 Consent to Motion, # <u>5</u> Doc 21 Notice of Hearing, # <u>6</u> Doc 22 Letter to Judge, # <u>7</u> Doc 23 Notice of Oral Argument, # <u>8</u> Doc 24 Order to Show Cause, # <u>9</u> Doc 25-1 Certificate of counsel, # <u>10</u> Doc 25-2 exhibit 1, # <u>11</u> Doc 26 Affidavit/Affirmation, # <u>12</u> Doc 27 Response to OSC, # <u>13</u> Doc 28-1 Certificate of counsel, # <u>14</u> Doc 28-2 exhibit 1, # <u>15</u> Doc 28-3 exhibit 2, # <u>16</u> Doc 28-4 exhibit 3, # <u>17</u> Doc 28-5 exhibit 4, # <u>18</u> Doc 29 Certificate of Service, # <u>19</u> Doc 30 Letter to Judge) (las) (Entered: 01/08/2009)
01/07/2009	<u>4</u>	File Received from USDC Eastern District of New York consisting of 31-40 (Attachments: # <u>1</u> Doc 32 Order, # <u>2</u> Doc 33 Certificate of counsel, # <u>3</u> Doc 34 Affidavit/Affirmation, # <u>4</u> Doc 35 Reply in opposition, # <u>5</u> Doc 36 Declaration, # <u>6</u> Doc 37 Reply in opposition, # <u>7</u> Doc 38 Letter to Judge, # <u>8</u> Doc 39 Memo and order, # <u>9</u> Doc 40 Certificate of service, # <u>10</u> Docket) (las) (Entered: 01/08/2009)
01/08/2009	<u>5</u>	NOTICE OF REQUIREMENTS for appearance phv mailed to attorney Igor Krol, for Plaintiff Aqua Shield (las) (Entered: 01/08/2009)
01/08/2009	<u>6</u>	NOTICE OF REQUIREMENTS for appearance phv mailed to attorney Michael F. Sarney, for Defendant Interpool Pool Cover Team (las) (Entered: 01/08/2009)
01/12/2009	<u>7</u>	Report on the Filing of an action sent to the Director of the U.S. Patent and Trademark Office. (las) (Entered: 01/12/2009)
01/20/2009	<u>8</u>	NOTICE of Appearance by H. Dickson Burton on behalf of Interpool Pool Cover Team (Burton, H.) (Entered: 01/20/2009)
01/20/2009	<u>9</u>	NOTICE of Appearance by Krista Weber Powell on behalf of Interpool Pool Cover Team (Powell, Krista) (Entered: 01/20/2009)
01/20/2009	<u>10</u>	Stipulated MOTION for Extension of Time to File Answer as to <u>1</u> Case Transferred In - District Transfer, <u>2</u> File Received,, <u>4</u> File Received, <u>3</u> File

		Received,, filed by Defendant Interpool Pool Cover Team. (Attachments: # <u>1</u> Text of Proposed Order)(Burton, H.) Modified on 1/21/2009 changed relief from for Extension of Time to File Response/Reply to for Extension of Time to File Answer (asp). (Entered: 01/20/2009)
01/21/2009	<u>11</u>	ORDER granting <u>10</u> Motion for Extension of Time to Answer. Signed by Judge Ted Stewart on 01/21/2009. (asp) (Entered: 01/21/2009)
02/20/2009	<u>12</u>	ANSWER to Complaint <i>and</i> , COUNTERCLAIM against Aqua Shield filed by Interpool Pool Cover Team.(Burton, H.) (Entered: 02/20/2009)
03/12/2009	<u>13</u>	NOTICE of Appearance by Randall B. Bateman on behalf of Aqua Shield (Bateman, Randall) (Entered: 03/12/2009)
03/12/2009	<u>14</u>	Counter RESPONSE/Answer re <u>12</u> Counterclaim, filed by Counter Defendant Aqua Shield. (Bateman, Randall) Modified on 3/13/2009 added Answer to docket text (asp). (Entered: 03/12/2009)
03/20/2009	<u>15</u>	Plaintiff's MOTION for Admission Pro Hac Vice of Igor Krol, Registration fee \$ 15, receipt number 10880000000000856594, filed by Plaintiff Aqua Shield, Counter Defendant Aqua Shield. (Attachments: # <u>1</u> Exhibit Application for Admission Pro Hac Vice, # <u>2</u> Exhibit ECF Registration Form, # <u>3</u> Text of Proposed Order Proposed Order Granting Pro Hac Vice for Igor Krol)(Bateman, Randall) (Entered: 03/20/2009)
03/23/2009	<u>16</u>	ORDER granting <u>15</u> Motion for Admission Pro Hac Vice of Igor Krol for Aqua Shield. <i>Attorneys admitted Pro Hac Vice may download a copy of the District of Utahs local rules from the courts web site at <a href="http://www.utd.uscourts.gov">http://www.utd.uscourts.gov</a></i> . Signed by Judge Ted Stewart on 03/23/2009. (asp) (Entered: 03/23/2009)
07/06/2009	<u>17</u>	NOTICE of Appearance by F. Chad Copier on behalf of Aqua Shield (Copier, F.) (Entered: 07/06/2009)
07/20/2009	<u>18</u>	Plaintiff's MOTION for Leave to File Amended Complaint filed by Plaintiff Aqua Shield. (Attachments: # <u>1</u> Text of Proposed Order)(Copier, F.) (Entered: 07/20/2009)
07/20/2009	<u>19</u>	Plaintiff's MEMORANDUM in Support re <u>18</u> Plaintiff's MOTION for Leave to File Amended Complaint filed by Plaintiff Aqua Shield. (Copier, F.) (Entered: 07/20/2009)
08/04/2009	<u>20</u>	Stipulated MOTION for Extension of Time to File Response/Reply as to <u>18</u> Plaintiff's MOTION for Leave to File Amended Complaint filed by Defendant Interpool Pool Cover Team. (Attachments: # <u>1</u> Text of Proposed Order)(Burton, H.) (Entered: 08/04/2009)
08/05/2009	<u>21</u>	ORDER granting <u>20</u> Motion for Extension of Time to File Response/Reply re <u>18</u> Plaintiff's MOTION for Leave to File Amended Complaint. Responses due by 8/18/2009. Signed by Judge Ted Stewart on 08/05/2009. (asp) (Entered: 08/05/2009)
08/18/2009	<u>22</u>	Stipulated MOTION for Extension of Time to File Response/Reply as to <u>18</u> Plaintiff's MOTION for Leave to File Amended Complaint filed by Defendant

		Interpool Pool Cover Team. (Attachments: # <u>1</u> Text of Proposed Order)(Burton, H.) (Entered: 08/18/2009)
08/19/2009	<u>23</u>	ORDER granting <u>22</u> Motion for Extension of Time to File Response/Reply re <u>18</u> Plaintiff's MOTION for Leave to File Amended Complaint. Responses due by 8/25/2009. Signed by Judge Ted Stewart on 08/19/2009. (asp) (Entered: 08/20/2009)
08/25/2009	<u>24</u>	ORDER REFERRING CASE to Magistrate Judge Samuel Alba under 28:636 (b) (1)(A), Magistrate to hear and determine all nondispositive pretrial matters. Motions referred to Samuel Alba. Signed by Judge Ted Stewart on 08/25/2009. (jlk) (Entered: 08/25/2009)
08/25/2009	<u>25</u>	<b>NOTICE OF HEARING ON MOTION</b> re: <u>18</u> Plaintiff's MOTION for Leave to File Amended Complaint: Motion Hearing set for 9/8/2009 09:30 AM in Room 248 before Magistrate Judge Samuel Alba. (cas) (Entered: 08/25/2009)
08/25/2009		Hearing set for 9/8/09 has been stricken. Counsel contacted court and stated there was no opposition to the motion for leave to file an amended complaint. (ss) (Entered: 08/25/2009)
08/31/2009	<u>26</u>	DOCKET TEXT ORDER granting <u>18</u> Motion for Leave to File to File an Amended Complaint. Signed by Magistrate Judge Samuel Alba on 8/31/09. No attached document. (ss) (Entered: 08/31/2009)
08/31/2009	<u>27</u>	AMENDED COMPLAINT against all defendants with Jury Demand. Removed Defendants: Alukov HZ spol. S.r.o., Alukov, spol. S.r.o., Pool & Spa Enclosures, LLC., filed by Aqua Shield. (Attachments: # <u>1</u> Exhibit A - '160 Patent, # <u>2</u> Exhibit B - Web Pages, # <u>3</u> Exhibit C - Cease and Desist Letter) (Bateman, Randall) (Entered: 08/31/2009)
09/15/2009	<u>28</u>	<i>Interpool Cover Team's</i> ANSWER to <u>27</u> Amended Complaint, <i>and</i> , Defendant's COUNTERCLAIM against Aqua Shield filed by Interpool Pool Cover Team. (Burton, H.) (Entered: 09/15/2009)
09/17/2009	<u>29</u>	NOTICE FROM THE COURT re: Initial Scheduling The court's IPT Clerk will now set the case for the Initial Pretrial Scheduling Conference (asp) (Entered: 09/17/2009)
09/28/2009	<u>30</u>	NOTICE of Appearance by Perry S. Clegg on behalf of Aqua Shield (Clegg, Perry) (Entered: 09/28/2009)
09/28/2009	<u>31</u>	<i>Aqua Shield's</i> ANSWER to <u>28</u> Counterclaim (s) of <i>Inter Pool Cover Team</i> filed by Aqua Shield.(Clegg, Perry) (Entered: 09/28/2009)
11/09/2009	<u>32</u>	NOTICE of Appearance by C. Todd Kinard on behalf of Aqua Shield (Kinard, C.) (Entered: 11/09/2009)
11/09/2009	<u>33</u>	<b>**RESTRICTED DOCUMENT**</b> SUMMONS Returned Executed by Aqua Shield as to Pool & Spa Enclosures served on 10/29/2009, answer due 11/18/2009. (Kinard, C.) (Entered: 11/09/2009)
11/18/2009	<u>34</u>	<i>Pool &amp; Spa Enclosures, LLC's</i> ANSWER to <u>27</u> Amended Complaint, <i>and</i> , COUNTERCLAIM against Aqua Shield filed by Pool & Spa Enclosures.(Burton, H.) (Entered: 11/18/2009)

11/19/2009	35	NOTICE FROM THE COURT re: Initial Scheduling The court's IPT Clerk will now set the case for the Initial Pretrial Scheduling Conference (asp) (Entered: 11/19/2009)
11/19/2009	36	<b><u>NOTICE OF INITIAL PRETRIAL CONFERENCE:</u></b> (Notice generated by Theresa Brown) The <b>Attorneys Planning Meeting Report</b> and <b>Proposed Scheduling Order</b> forms, available on the court web site at <a href="http://www.utd.uscourts.gov/documents/formpage.html">http://www.utd.uscourts.gov/documents/formpage.html</a> , should be prepared 30 days before the Initial Pretrial Conference hearing date.  <b><u>NOTICE TO COUNSEL,</u></b> The Court <i>may</i> enter a scheduling order and vacate the hearing <i>if</i> counsel (a) file a stipulated <b>Attorneys Planning Meeting Report</b> ; and (b) e-mail a <b>Proposed Scheduling Order</b> to <a href="mailto:ipt@utd.uscourts.gov">ipt@utd.uscourts.gov</a> 30 days before the scheduled hearing. See instructions at <a href="http://www.utd.uscourts.gov/documents/ipt.html">http://www.utd.uscourts.gov/documents/ipt.html</a>  <b>Initial Pretrial Conference set for 1/20/2010 11:00 AM in Room 477 before Magistrate Judge David Nuffer.</b> (tab) (Entered: 11/19/2009)
11/24/2009	<u>37</u>	Plaintiff's RESPONSE re <u>34</u> Answer to Amended Complaint, Counterclaim, of Defendant Pool & Spa Enclosures filed by Counter Defendants Aqua Shield, Aqua Shield, Aqua Shield. (Bateman, Randall) (Entered: 11/24/2009)
12/15/2009	<u>38</u>	REPORT OF ATTORNEY PLANNING MEETING. (Clegg, Perry) (Entered: 12/15/2009)
12/23/2009	<u>39</u>	ERRATA to <u>38</u> Attorney Planning Meeting filed by Plaintiff Aqua Shield Re: <i>Proposed Scheduling Order</i> . (Kinard, C.) (Entered: 12/23/2009)
01/04/2010	<u>40</u>	SCHEDULING ORDER: Initial Pretrial Conference set for 1/20/2010 at 11:00 AM vacated. Amended Pleadings due by 3/19/2010. Joinder of Parties due by 3/19/2010. Fact Discovery due by 8/13/2010. Expert Discovery due by 10/20/2010. Motions due by 12/20/2010. Final Pretrial Conference set for 5/31/2011 02:30 PM in Room 142 before Judge Ted Stewart. 7 day Jury Trial set to begin 6/13/2011 08:30 AM in Room 142 before Judge Ted Stewart. See Order for more deadlines. Signed by Magistrate Judge David Nuffer on 1/2/2010. (rlr) (Entered: 01/04/2010)
02/23/2010	<u>41</u>	MOTION for Protective Order filed by Plaintiff Aqua Shield. (Attachments: # <u>1</u> Text of Proposed Order Stipulated Protective Order) Motions referred to Samuel Alba.(Clegg, Perry) (Entered: 02/23/2010)
02/23/2010	<u>42</u>	MEMORANDUM in Support re <u>41</u> MOTION for Protective Order filed by Plaintiff Aqua Shield. (Clegg, Perry) (Entered: 02/23/2010)
02/24/2010	<u>43</u>	STIPULATED PROTECTIVE ORDER. Signed by Magistrate Judge Samuel Alba on 02/24/2010. (asp) (Entered: 02/24/2010)
03/08/2010	<u>44</u>	MOTION for Admission Pro Hac Vice of Gregory J. Coffey, Registration fee \$ 15, receipt number 10880000000001069726, filed by Defendants Interpool Pool Cover Team, Pool & Spa Enclosures. (Attachments: # <u>1</u> Exhibit A - Application

		for Admission, # <u>2</u> Exhibit B - ECF Registration Form, # <u>3</u> Text of Proposed Order)(Burton, H.) (Entered: 03/08/2010)
03/08/2010	<u>45</u>	MOTION for Admission Pro Hac Vice of Richard J. Dewland, Registration fee \$ 15, receipt number 10880000000001069899, filed by Defendants Interpool Pool Cover Team, Pool & Spa Enclosures. (Attachments: # <u>1</u> Exhibit A - Application for Admission, # <u>2</u> Exhibit B - ECF Registration Form, # <u>3</u> Text of Proposed Order)(Burton, H.) (Entered: 03/08/2010)
03/10/2010	<u>46</u>	ORDER granting <u>44</u> Motion for Admission Pro Hac Vice of Gregory J. Coffey for Pool & Spa Enclosures, Interpool Pool Cover Team, Pool & Spa Enclosures and Interpool Pool Cover Team, Richard J. Dewland for Pool & Spa Enclosures, Interpool Pool Cover Team, Pool & Spa Enclosures and Interpool Pool Cover Team. <i>Attorneys admitted Pro Hac Vice may download a copy of the District of Utahs local rules from the courts web site at <a href="http://www.utd.uscourts.gov">http://www.utd.uscourts.gov</a></i> ; granting <u>45</u> Motion for Admission Pro Hac Vice of Gregory J. Coffey for Pool & Spa Enclosures, Interpool Pool Cover Team, Pool & Spa Enclosures and Interpool Pool Cover Team, Richard J. Dewland for Pool & Spa Enclosures, Interpool Pool Cover Team, Pool & Spa Enclosures and Interpool Pool Cover Team. <i>Attorneys admitted Pro Hac Vice may download a copy of the District of Utahs local rules from the courts web site at <a href="http://www.utd.uscourts.gov">http://www.utd.uscourts.gov</a></i> . Signed by Judge Ted Stewart on 03/09/2010. (asp) (Entered: 03/10/2010)
03/23/2010	<u>47</u>	MOTION to Withdraw as Attorney <i>s for Plaintiff</i> filed by Plaintiff Aqua Shield. (Attachments: # <u>1</u> Text of Proposed Order Proposed Order) Motions referred to Samuel Alba.(Clegg, Perry) (Entered: 03/23/2010)
03/24/2010	<u>48</u>	ORDER granting <u>47</u> Motion to Withdraw as Attorney. Attorney C. Todd Kinard, Randall B. Bateman and Perry S. Clegg withdrawn from case for Aqua Shield. Signed by Magistrate Judge Samuel Alba on 03/24/2010. (asp) (Entered: 03/25/2010)
04/13/2010	<u>49</u>	First MOTION for Extension of Time Obtain New Counsel <i>in Utah (Patent Counsel)</i> filed by Plaintiff Aqua Shield. (Attachments: # <u>1</u> Affidavit Certificate of Service, # <u>2</u> Text of Proposed Order Proposed Order) Motions referred to Samuel Alba.(Krol, Igor) (Entered: 04/13/2010)
04/26/2010	<u>50</u>	ORDER granting <u>49</u> Motion for Extension of Time. Signed by Magistrate Judge Samuel Alba on 04/26/2010. (asp) (Entered: 04/27/2010)
05/17/2010	<u>51</u>	NOTICE of Appearance by Todd E Zenger on behalf of Aqua Shield (Zenger, Todd) (Entered: 05/17/2010)
05/17/2010	<u>52</u>	NOTICE of Appearance by Dax D. Anderson on behalf of Aqua Shield (Anderson, Dax) (Entered: 05/17/2010)
08/13/2010	<u>53</u>	Stipulated MOTION to Amend/Correct <i>the Scheduling Order</i> filed by Plaintiff Aqua Shield. (Attachments: # <u>1</u> Text of Proposed Order) Motions referred to Samuel Alba.(Anderson, Dax) (Entered: 08/13/2010)
08/19/2010	<u>54</u>	AMENDED SCHEDULING ORDER: Discovery due by 2/17/2011., Motions due by 4/19/2011., Final Pretrial Conference set for 9/12/2011 02:30 PM in Room 142 before Judge Ted Stewart., 7 day Jury Trial set for 9/26/2011 08:30 AM in Room

		142 before Judge Ted Stewart. Signed by Magistrate Judge David Nuffer on 08/19/2010. (asp) (Entered: 08/19/2010)
12/10/2010	<u>55</u>	Stipulated MOTION to Amend/Correct <i>Scheduling Order</i> filed by Plaintiff Aqua Shield. (Attachments: # <u>1</u> Text of Proposed Order) Motions referred to Samuel Alba.(Anderson, Dax) (Entered: 12/10/2010)
12/16/2010	<u>56</u>	ORDER granting <u>55</u> Motion to Amend/Correct Scheduling Order. The Fact Discovery completion date of the Scheduling Order is amended from December 10, 2010, to February 17, 2010. Signed by Magistrate Judge Samuel Alba on 12/16/2010. (las) (Entered: 12/17/2010)
02/17/2011	<u>57</u>	Stipulated MOTION to Amend/Correct <u>54</u> Scheduling Order, filed by Plaintiff Aqua Shield. (Attachments: # <u>1</u> Text of Proposed Order) Motions referred to Samuel Alba.(Zenger, Todd) (Entered: 02/17/2011)
02/22/2011	<u>58</u>	ORDER granting <u>57</u> Motion to Amend/Correct. Signed by Magistrate Judge Samuel Alba on 2/22/2011. (cas) (Entered: 02/22/2011)
04/19/2011	<u>59</u>	MOTION for Partial Summary Judgment filed by Plaintiff Aqua Shield. (Attachments: # <u>1</u> Text of Proposed Order)(Zenger, Todd) (Entered: 04/19/2011)
04/19/2011	<u>60</u>	MEMORANDUM in Support re <u>59</u> MOTION for Partial Summary Judgment filed by Plaintiff Aqua Shield. (Attachments: # <u>1</u> Exhibit 1, # <u>2</u> Errata 2, # <u>3</u> Exhibit 3)(Zenger, Todd) (Entered: 04/19/2011)
04/28/2011	<u>61</u>	<b>NOTICE OF HEARING ON MOTION</b> re: <u>59</u> MOTION for Partial Summary Judgment : (Notice generated by Chambers/slm) Motion Hearing set for 8/16/2011 03:00 PM in Room 142 before Judge Ted Stewart. (slm) (Entered: 04/28/2011)
05/16/2011	<u>62</u>	MOTION for Extension of Time to File Response/Reply as to <u>59</u> MOTION for Partial Summary Judgment <i>to June 13, 2011</i> filed by Defendant Interpool Pool Cover Team. (Attachments: # <u>1</u> Affidavit Declaration of Gregory J. Coffey, Esq., # <u>2</u> Affidavit Certificate of Service) Motions referred to Samuel Alba.(Dewland, Richard) (Entered: 05/16/2011)
05/23/2011	<u>63</u>	NOTICE of Plaintiff's Nonopposition by Aqua Shield re <u>62</u> MOTION for Extension of Time to File Response/Reply as to <u>59</u> MOTION for Partial Summary Judgment <i>to June 13, 2011</i> MOTION for Extension of Time to File Response/Reply as to <u>59</u> MOTION for Partial Summary Judgment <i>to June 13, 2011</i> (Zenger, Todd) (Entered: 05/23/2011)
06/03/2011	<u>64</u>	ORDER granting <u>62</u> Motion for Extension of Time to File Response/Reply re <u>59</u> MOTION for Partial Summary Judgment. Responses due by 6/13/2011. Signed by Judge Ted Stewart on 6/3/2011. (las) (Entered: 06/03/2011)
06/13/2011	<u>65</u>	MOTION for Extension of Time to File Response/Reply filed by Defendant Interpool Pool Cover Team. (Attachments: # <u>1</u> Deceleration of Gregory J. Coffey, # <u>2</u> Certificate of Service) Motions referred to Samuel Alba.(Dewland, Richard) (Entered: 06/13/2011)
06/15/2011	<u>66</u>	NOTICE of Non-Opposition by Aqua Shield re <u>65</u> MOTION for Extension of Time to File Response/Reply (Attachments: # <u>1</u> Exhibit Declaration) (Anderson, Dax) (Entered: 06/15/2011)

06/15/2011	<u>67</u>	MEMORANDUM in Opposition re <u>59</u> MOTION for Partial Summary Judgment filed by Defendant Interpool Pool Cover Team. (Attachments: # <u>1</u> Declaration of Gregory J. Coffey)(Dewland, Richard) (Entered: 06/15/2011)
06/16/2011	<u>68</u>	ORDER granting <u>65</u> Motion for Extension of Time to File Response/Reply re <u>59</u> MOTION for Partial Summary Judgment. Responses due by 6/15/2011. Signed by Judge Ted Stewart on 6/16/2011. (las) (Entered: 06/16/2011)
07/05/2011	<u>69</u>	REPLY to Response to Motion re <u>59</u> MOTION for Partial Summary Judgment filed by Plaintiff Aqua Shield. (Zenger, Todd) (Entered: 07/05/2011)
07/05/2011	<u>70</u>	MOTION to Strike <i>Declarations of Attorney Coffey and Attorney Sarney</i> filed by Plaintiff Aqua Shield. (Attachments: # <u>1</u> Text of Proposed Order) Motions referred to Samuel Alba.(Zenger, Todd) (Entered: 07/05/2011)
07/05/2011	<u>71</u>	MEMORANDUM in Support re <u>70</u> MOTION to Strike <i>Declarations of Attorney Coffey and Attorney Sarney</i> filed by Plaintiff Aqua Shield. (Attachments: # <u>1</u> Exhibit A - Coffey Decl., # <u>2</u> Exhibit B - Sarney Decl.)(Zenger, Todd) (Entered: 07/05/2011)
07/22/2011	<u>72</u>	MOTION for Extension of Time to File Response/Reply filed by Defendant Interpool Pool Cover Team. (Attachments: # <u>1</u> Declaration of Gregory J. Coffey, # <u>2</u> Certificate of Service) Motions referred to Samuel Alba.(Dewland, Richard) (Entered: 07/22/2011)
07/25/2011	<u>73</u>	MEMORANDUM in Opposition re <u>70</u> MOTION to Strike <i>Declarations of Attorney Coffey and Attorney Sarney</i> filed by Defendant Interpool Pool Cover Team. (Dewland, Richard) (Entered: 07/25/2011)
08/03/2011	74	Motions No Longer Referred: <u>70</u> MOTION to Strike <i>Declarations of Attorney Coffey and Attorney Sarney</i> , <u>72</u> MOTION for Extension of Time to File Response/Reply (cas) (Entered: 08/03/2011)
08/03/2011	75	DOCKET TEXT ORDER granting <u>72</u> Motion for Extension of Time to File Response/Reply Responses due by 7/25/2011. Signed by Judge Ted Stewart on 8/3/2011. No attached document. (jjk) (Entered: 08/03/2011)
08/10/2011	<u>76</u>	ORDER Requiring Additional Briefing Pursuant to Defendants' Request for a Markman Hearing. IT is ORDERED that the hearing on Plaintiffs Motion for Partial Summary Judgment (DocketNo. 59), scheduled for 3:00 pm, August 16, 2011, is STRICKEN. See Order for Additional Details. Signed by Judge Ted Stewart on 08/09/2011. (tls) (Entered: 08/10/2011)
08/17/2011	<u>77</u>	MEMORANDUM <i>As Per Court's Order</i> filed by Interpool Pool Cover Team. (Coffey, Gregory) (Entered: 08/17/2011)
09/09/2011	78	<b>NOTICE OF HEARING:</b> (Notice generated by Chambers/slm) Markman Hearing set for 11/21/2011 09:00 AM in Room 142 before Judge Ted Stewart. (slm) (Entered: 09/09/2011)
09/12/2011	<u>79</u>	Scheduling ORDER for Markman Hearing. See Order for Details. Signed by Judge Ted Stewart on 09/12/2011. (tls) (Entered: 09/12/2011)
09/26/2011	<u>80</u>	Markman BRIEF filed by Plaintiff Aqua Shield. (Attachments: # <u>1</u> Exhibit 1 - USPN 6637160, # <u>2</u> Exhibit 2 - Brooks Declaration)(Anderson, Dax) (Entered: 09/26/2011)



10/13/2011	<u>81</u>	MOTION for Extension of Time Response to Claims Construction filed by Defendant Interpool Pool Cover Team. (Attachments: # <u>1</u> Declaration of Gregory J. Coffey) Motions referred to Samuel Alba.(Coffey, Gregory) (Entered: 10/13/2011)
10/20/2011	<u>82</u>	MEMORANDUM <i>on Claims Construction</i> filed by Interpool Pool Cover Team. (Coffey, Gregory) (Entered: 10/20/2011)
10/21/2011	<u>83</u>	DOCKET TEXT ORDER granting <u>81</u> Motion for Extension of Time. Signed by Magistrate Judge Samuel Alba on 10/21/2011. No attached document. (cas) (Entered: 10/21/2011)
10/21/2011	<u>84</u>	ORDER re <u>81</u> MOTION for Extension of Time Response to Claims Construction filed by Interpool Pool Cover Team. Signed by Judge Ted Stewart on 10/21/2011. (tls) (Entered: 10/21/2011)
10/28/2011	<u>85</u>	REPLY BRIEF re <u>80</u> Brief <i>Markman</i> filed by Plaintiff Aqua Shield. (Anderson, Dax) (Entered: 10/28/2011)
11/14/2011		Markman hearing set for 1/21/2011 at 9:00 AM is STRICKEN and the Court will rule from the briefs. (rlr) (Entered: 11/14/2011)
11/14/2011	<u>86</u>	MEMORANDUM DECISION AND ORDER on Claim Construction. Signed by Judge Ted Stewart on 11/14/2011. (tls) (Entered: 11/14/2011)
11/28/2011	<u>87</u>	MEMORANDUM DECISION granting in part and denying in part <u>59</u> Motion for Partial Summary Judgment; denying as moot <u>70</u> Motion to Strike. Signed by Judge Ted Stewart on 11/28/2011. (tls) (Entered: 11/28/2011)
01/25/2012	<u>88</u>	<b>NOTICE OF HEARING:</b> (Notice generated by Chambers (rlr)) Scheduling Conference set for 2/7/2012 03:30 PM in Room 142 before Judge Ted Stewart. (rlr) (Entered: 01/25/2012)
02/02/2012	<u>89</u>	MOTION for Entry of Judgment filed by Plaintiff Aqua Shield. (Attachments: # <u>1</u> Text of Proposed Order)(Anderson, Dax) (Entered: 02/02/2012)
02/02/2012	<u>90</u>	MEMORANDUM in Support re <u>89</u> MOTION for Entry of Judgment filed by Plaintiff Aqua Shield. (Anderson, Dax) (Entered: 02/02/2012)
02/03/2012	<u>91</u>	MOTION for Extension of Time Scheduling Conference filed by Defendant Interpool Pool Cover Team. (Attachments: # <u>1</u> Declaration of Gregory J. Coffey) Motions referred to Samuel Alba.(Coffey, Gregory) (Entered: 02/03/2012)
02/06/2012	<u>92</u>	<b>AMENDED NOTICE OF HEARING:</b> (Notice generated by Chambers (rlr)) Scheduling Conference re-set for 3/6/2012 02:30 PM in Room 142 before Judge Ted Stewart. (rlr) (Entered: 02/06/2012)
02/21/2012	<u>93</u>	MEMORANDUM in Opposition re <u>89</u> MOTION for Entry of Judgment filed by Defendant Interpool Pool Cover Team. (Dewland, Richard) (Entered: 02/21/2012)
03/05/2012	<u>94</u>	NOTICE of Appearance by Edgar R. Cataxinos on behalf of Interpool Pool Cover Team (Cataxinos, Edgar) (Entered: 03/05/2012)
03/05/2012	<u>95</u>	NOTICE of Appearance by Edgar R. Cataxinos on behalf of Pool & Spa Enclosures (Cataxinos, Edgar) (Entered: 03/05/2012)

03/06/2012	96	Minute Entry for proceedings held before Judge Ted Stewart: Scheduling Conference held on 3/6/2012. Status of the case is heard. The Court sets the following dates. 4-day jury trial to begin 11/6/2012 at 8:30 a.m.. Final pretrial conference set for 10/25/2012 at 3:00 p.m.. Counsel is directed to contact the Chambers of Magistrate Judge Alba within the next three weeks to set up a mediation conference. Attorney for Plaintiff: Dax Anderson, Attorney for Defendant: Edgar Cataxinos, Gregory Coffey (via phone). Court Reporter: Patti Walker. (rlr) (Entered: 03/07/2012)
03/06/2012		<b>Set/Reset Hearings:</b> Final Pretrial Conference set for 10/25/2012 03:00 PM in Room 142 before Judge Ted Stewart. 4-day Jury Trial set to begin 11/6/2012 08:30 AM in Room 142 before Judge Ted Stewart. (rlr) (Entered: 03/07/2012)
03/09/2012	97	REPLY to Response to Motion re <u>89</u> MOTION for Entry of Judgment filed by Plaintiff Aqua Shield. (Anderson, Dax) (Entered: 03/09/2012)
03/22/2012	98	NOTICE OF SETTLEMENT CONFERENCE AND ORDER. Signed by Magistrate Judge Samuel Alba on 3/22/2012. (cas) (Entered: 03/22/2012)
03/22/2012	99	<b>NOTICE OF HEARING:</b> Settlement Conference set for Tuesday, June 5, 2012, at 9:00 a.m., in Room 248 before Magistrate Judge Samuel Alba. (*Please see docket entry 98 for further instructions.) (cas) (Entered: 03/22/2012)
05/30/2012		<b>NOTICE VACATING Settlement Conference HEARING</b> set for June 5, 2012, at 9:00 a.m., before Magistrate Judge Samuel Alba. (cas) (Entered: 05/30/2012)
05/30/2012	100	<b>NOTICE OF HEARING:</b> Status Conference re: settlement conference set for 6/11/2012 at 9:30 AM in Room 248 before Magistrate Judge Samuel Alba. (cas) (Entered: 05/30/2012)
06/11/2012	101	Minute Entry for proceedings held before Magistrate Judge Samuel Alba: Status Conference held on 6/11/2012. Counsel would like to proceed with a settlement conference. Mr. Dewland stated that he has the following dates available: 7/11, 7/25, 7/26, 8/28, 8/29, 8/30. Mr. Zenger will check is calendar and notify the court of his availability. Court notified counsel that this matter will be referred to a new judge for a settlement conference. Attorney for Plaintiff: Todd Zenger, Attorney for Defendant: Rich Dewland by phone. Court Reporter: Electronic. (ss) Modified on 6/12/2012 (ss).Mr. Dewland contacted the court regarding an incorrect date. Mr. Dewland is not available on 7/11/12 as stated in the minute entry. (Entered: 06/12/2012)
06/27/2012	102	<b>NOTICE OF HEARING:</b> (Notice generated by Chambers DS) Settlement Conference set for 8/29/2012 08:30 AM to 3:00 PM in Room 420 before Judge David Sam. (jmr) (Entered: 06/27/2012)
06/27/2012	<u>103</u>	NOTICE FROM THE COURT re: Settlement Conference. See notice for additional details (jmr) (Entered: 06/27/2012)
08/22/2012		Magistrate Judge Dustin B. Pead reassigned under 28:636 (b)(1)(A) referral, Magistrate to hear and determine all nondispositive pretrial matters. Magistrate Judge Samuel Alba no longer assigned to case. (cas) (Entered: 08/22/2012)
10/17/2012	<u>104</u>	MOTION to Continue Pre-Trial Conference and Trial Date filed by Defendant Interpool Pool Cover Team. (Attachments: # <u>1</u> Declaration of Gregory J. Coffey, #

		<u>2</u> Certificate of Service) Motions referred to Dustin B. Pead.(Dewland, Richard) (Entered: 10/17/2012)
10/18/2012	<u>105</u>	MEMORANDUM DECISION granting <u>89</u> Motion for Entry of Judgment ; granting <u>104</u> Motion to Continue Final Pretrial Conference and Trial without date. Signed by Judge Ted Stewart on 10/18/2012. (tls) (Entered: 10/18/2012)
10/31/2012	<u>106</u>	MOTION for Extension of Time File Supplemental Memorandum of Law and Supporting Motion Papers filed by Defendant Interpool Pool Cover Team. (Attachments: # <u>1</u> Declaration of Gregory J. Coffey, # <u>2</u> Certificate of Service) Motions referred to Dustin B. Pead.(Dewland, Richard) (Entered: 10/31/2012)
10/31/2012	<u>107</u>	NOTICE of Nonopposition by Aqua Shield re <u>106</u> MOTION for Extension of Time File Supplemental Memorandum of Law and Supporting Motion Papers (Zenger, Todd) (Entered: 10/31/2012)
11/01/2012	<u>108</u>	ORDER granting <u>106</u> Motion for Extension of Time to Submit Supplemental Memorandum. Defendant shall have until 5:00 P.M. on November 8, 2012 to file its motion papers in response to the Court's order of October 18, 2012. Signed by Judge Ted Stewart on 11/01/2012. (tls) (Entered: 11/01/2012)
11/01/2012	<u>109</u>	Joint MOTION for Extension of Time to submit additional motions for summary judgment filed by Plaintiff Aqua Shield. (Attachments: # <u>1</u> Text of Proposed Order) Motions referred to Dustin B. Pead.(Zenger, Todd) (Entered: 11/01/2012)
11/01/2012	<u>110</u>	ORDER granting <u>109</u> Motion for Extension of Time. All parties shall have until November 8, 2012, to file their motion papers and until November 26, 2012 to file opposition papers. Signed by Judge Ted Stewart on 11/01/2012. (tls) (Entered: 11/01/2012)
11/08/2012	<u>111</u>	Joint MOTION for Extension of Time to File Supplemental Motions for Summary Judgment filed by Plaintiff Aqua Shield. (Attachments: # <u>1</u> Text of Proposed Order) Motions referred to Dustin B. Pead.(Zenger, Todd) (Entered: 11/08/2012)
11/09/2012	<u>112</u>	ORDER granting <u>111</u> Motion for Extension of Time. All parties shall have until November 15, 2012, to file their motion papers and until December 3, 2012 to file opposition papers. Signed by Judge Ted Stewart on 11/09/2012. (asp) (Entered: 11/09/2012)
11/15/2012	<u>113</u>	Stipulated MOTION for Extension of Time To file additional motions for summary judgment filed by Plaintiff Aqua Shield. (Attachments: # <u>1</u> Text of Proposed Order) Motions referred to Dustin B. Pead.(Zenger, Todd) (Entered: 11/15/2012)
11/15/2012	<u>114</u>	MOTION for Extension of Time to File Additional Motions for Summary Judgment ( <i>Corrected</i> ) filed by Plaintiff Aqua Shield. (Attachments: # <u>1</u> Text of Proposed Order) Motions referred to Dustin B. Pead.(Zenger, Todd) (Entered: 11/15/2012)
11/16/2012	<u>115</u>	Motions No Longer Referred: <u>113</u> Stipulated MOTION for Extension of Time To file additional motions for summary judgment , <u>114</u> MOTION for Extension of Time to File Additional Motions for Summary Judgment shall be handled by the district court. ( <i>Corrected</i> ) (amn) (Entered: 11/16/2012)
11/19/2012	<u>116</u>	ORDER terminating <u>113</u> Motion for Extension of Time; granting <u>114</u> Motion for Extension of Time. All parties shall have until November 21, 2012, to file their

		motion papers and until December 7, 2012 to file opposition papers. Signed by Judge Ted Stewart on 11/19/12. (ss) (Entered: 11/19/2012)
11/21/2012	<u>117</u>	MOTION for Summary Judgment <i>for a Determination of Invalidity of '160 Patent</i> filed by Defendant Interpool Pool Cover Team. (Attachments: # <u>1</u> Declaration of Gregory J. Coffey, # <u>2</u> Memorandum of Points and Authorities, # <u>3</u> Certificate of Service)(Dewland, Richard) (Entered: 11/21/2012)
11/21/2012	<u>118</u>	MOTION for Summary Judgment <i>as to Defendants' Counterclaims I and II</i> filed by Plaintiff Aqua Shield. (Attachments: # <u>1</u> Text of Proposed Order)(Zenger, Todd) (Entered: 11/21/2012)
11/21/2012	<u>119</u>	MEMORANDUM in Support re <u>118</u> MOTION for Summary Judgment <i>as to Defendants' Counterclaims I and II</i> filed by Plaintiff Aqua Shield. (Attachments: # <u>1</u> Exhibit List, # <u>2</u> Exhibit A - IPCs Answers to Interrogatories, 1/15/10, # <u>3</u> Exhibit B. - IPCs Responses to Document Requests, 1/15/10, # <u>4</u> Exhibit C - Coffey Declaration, 6/15/11, # <u>5</u> Exhibit D - Sarney Declaration, 10/24/200_, # <u>6</u> Exhibit E - 10/23/05 print outs of www.poolcover-ipc.com, # <u>7</u> Exhibit F - Foreign Language price list, # <u>8</u> Exhibit G - Foreign Language drawings, # <u>9</u> Exhibit H - French Patent No. FR2568288, # <u>10</u> Exhibit I - Arqualand Paper, # <u>11</u> Exhibit J -10/20/05 print out of www.aquashieldonline.com, # <u>12</u> Exhibit K - Australian Patent No. AU-A-69699/81 Abstract, # <u>13</u> Exhibit L - Eureka Pool Cover Papers, # <u>14</u> Exhibit M - Docket No. 67, pgs. 3, 22-24, # <u>15</u> Exhibit N - Krol Declaration, 5/23/11)(Zenger, Todd) (Entered: 11/21/2012)
12/07/2012	<u>120</u>	MEMORANDUM in Opposition re <u>118</u> MOTION for Summary Judgment <i>as to Defendants' Counterclaims I and II</i> filed by Defendant Interpool Pool Cover Team. (Attachments: # <u>1</u> Affidavit Certificate of Service)(Dewland, Richard) (Entered: 12/07/2012)
12/07/2012	<u>121</u>	MOTION to Preclude Reliance Upon Evidence for Failure to Disclose or Produce It and Memorandum in Support filed by Plaintiff Aqua Shield. (Attachments: # <u>1</u> Exhibit A - Defendants' Responses to Interrogatories, # <u>2</u> Exhibit B - Responses to Document Requests, # <u>3</u> Exhibit C - Declaration of I. Krol, # <u>4</u> Text of Proposed Order) Motions referred to Dustin B. Pead.(Zenger, Todd) (Entered: 12/07/2012)
12/07/2012	<u>122</u>	MEMORANDUM in Opposition re <u>117</u> MOTION for Summary Judgment <i>for a Determination of Invalidity of '160 Patent</i> filed by Plaintiff Aqua Shield. (Zenger, Todd) (Entered: 12/07/2012)
12/11/2012	123	Motions No Longer Referred: <u>121</u> MOTION to Preclude Reliance Upon Evidence for Failure to Disclose or Produce It and Memorandum in Support (ngw) (Entered: 12/11/2012)
12/11/2012	124	Motions No Longer Referred: <u>121</u> MOTION to Preclude Reliance Upon Evidence for Failure to Disclose or Produce It and Memorandum in Support . This motion shall be handled by the District Court. (amn) (Entered: 12/11/2012)
12/13/2012	<u>125</u>	NOTICE of Citations of Supplemental Authority by Aqua Shield re <u>119</u> Memorandum in Support of Motion,,, <u>122</u> Memorandum in Opposition to Motion (Zenger, Todd) (Entered: 12/13/2012)
12/24/2012	<u>126</u>	MEMORANDUM in Opposition re <u>121</u> MOTION to Preclude Reliance Upon

		Evidence for Failure to Disclose or Produce It and Memorandum in Support filed by Defendant Interpool Pool Cover Team. (Attachments: # <u>1</u> Affidavit Certification of Service)(Dewland, Richard) (Entered: 12/24/2012)
01/02/2013	<u>127</u>	<b><u>NOTICE OF HEARING ON MOTION</u></b> re: <u>117</u> MOTION for Summary Judgment <i>for a Determination of Invalidity of '160 Patent</i> , <u>121</u> MOTION to Preclude Reliance Upon Evidence for Failure to Disclose or Produce It and Memorandum in Support , <u>118</u> MOTION for Summary Judgment <i>as to Defendants' Counterclaims I and II</i> : (Notice generated by Chambers (rlr)).  Motion Hearing set for 2/7/2013 02:30 PM in Room 142 before Judge Ted Stewart. (rlr) (Entered: 01/02/2013)
01/10/2013	<u>128</u>	REPLY to Response to Motion re <u>121</u> MOTION to Preclude Reliance Upon Evidence for Failure to Disclose or Produce It and Memorandum in Support filed by Plaintiff Aqua Shield. (Zenger, Todd) (Entered: 01/10/2013)
01/15/2013	<u>129</u>	MEMORANDUM DECISION denying <u>117</u> Motion for Summary Judgment ; granting <u>118</u> Motion for Summary Judgment ; denying <u>121</u> Motion to Preclude Reliance Upon Evidence for Failure to Disclose or Produce It. Signed by Judge Ted Stewart on 01/15/2013. (asp) (Entered: 01/15/2013)
01/15/2013		<b><u>Set Hearings:</u></b> Final Pretrial Conference set for 2/7/2013 02:30 PM in Room 142 before Judge Ted Stewart. Jury Trial set for 2/19/2013 08:30 AM in Room 142 before Judge Ted Stewart. (asp) (Entered: 01/15/2013)
01/30/2013	<u>130</u>	TRIAL ORDER with instructions to counsel: 4 Day Jury Trial set to begin 2/19/2013 08:30 AM in Room 142 before Judge Ted Stewart. Final Pretrial Conference set for 2/7/2013 02:30 PM in Room 142 before Judge Ted Stewart. See order for more deadlines. Signed by Judge Ted Stewart on 1/30/2013. (rlr) (Entered: 01/30/2013)
01/30/2013	<u>131</u>	MOTION to Continue Trial Date filed by Defendant Interpool Pool Cover Team. (Attachments: # <u>1</u> Affidavit Declaration of Gregory J. Coffey) Motions referred to Dustin B. Pead.(Dewland, Richard) (Entered: 01/30/2013)
01/31/2013	<u>132</u>	Motions No Longer Referred: <u>131</u> MOTION to Continue Trial Date shall be handled by the District Court. (amn) (Entered: 01/31/2013)
02/04/2013	<u>133</u>	Stipulated MOTION to Continue Pre-Trial Conference filed by Plaintiff Aqua Shield. (Attachments: # <u>1</u> Text of Proposed Order Order) Motions referred to Dustin B. Pead.(Zenger, Todd) (Entered: 02/04/2013)
02/04/2013	<u>134</u>	NOTICE of Non-Opposition by Aqua Shield re <u>131</u> MOTION to Continue Trial Date (Zenger, Todd) (Entered: 02/04/2013)
02/05/2013	<u>135</u>	Motions No Longer Referred: <u>133</u> Stipulated MOTION to Continue Pre-Trial Conference shall be handled by the District Court. (amn) (Entered: 02/05/2013)
02/05/2013	<u>136</u>	DOCKET TEXT ORDER denying <u>131</u> Motion to Continue. Signed by Judge Ted Stewart on 2/5/2013. No attached document. (ngw) (Entered: 02/05/2013)
02/05/2013	<u>137</u>	DOCKET TEXT ORDER denying <u>133</u> Motion to Continue. Signed by Judge Ted Stewart on 2/5/2013. No attached document. (ngw) (Entered: 02/05/2013)
02/05/2013	<u>138</u>	MOTION to Compel Discovery Responses and Memorandum in Support ,

		MOTION for Sanctions and Memorandum in Support , MOTION to Continue the Final Pretrial Conference and Memorandum in Support filed by Plaintiff Aqua Shield. (Attachments: # <u>1</u> Exhibit List, # <u>2</u> Exhibit A - IPCs Initial Disclosures, # <u>3</u> Exhibit B - Pool & Spa Initial Disclosures, # <u>4</u> Exhibit C - Defendants Answers to Jurisdictional Interrogatories, # <u>5</u> Exhibit D - IPCs Responses to Interrogatories, # <u>6</u> Exhibit E - IPC's Responses to Doc Reqs., # <u>7</u> Exhibit F - Krol Declaration, # <u>8</u> Exhibit G - Email Correspondence) Motions referred to Dustin B. Pead.(Zenger, Todd) (Entered: 02/05/2013)
02/06/2013	<u>139</u>	Motions No Longer Referred: <u>138</u> MOTION to Compel Discovery Responses and Memorandum in Support MOTION for Sanctions and Memorandum in Support MOTION to Continue the Final Pretrial Conference and Memorandum in Support (ngw) (Entered: 02/06/2013)
02/07/2013	<u>140</u>	Minute Entry for proceedings held before Judge Ted Stewart: Final Pretrial Conference held on 2/7/2013. Counsel for the defendant readdresses the possibility of moving the trial. After discussion and argument the Court moves the trial date to begin 3/19/2013 at 8:30 AM. Both parties agree to a bench trial rather than a jury trial. This matter will be set for a 4-day bench trial. Trial briefs and motions in limine are due by 3/12/2013. There is currently one outstanding motion. Counsel believes they can work that issue out between themselves. The Court gives defendant 2 weeks to get the information requested to plaintiff. If plaintiff believes they have not received what they asked for, they are directed to then file a new motion. The Court encourages ongoing settlement talks. Court is adjourned until 3/19/2013 at 8:30 AM. Attorney for Plaintiff: Todd Zenger, Attorney for Defendant: Gregory Coffey. Court Reporter: Patti Walker. (rlr) (Entered: 02/08/2013)
02/08/2013	<u>141</u>	<b>NOTICE OF HEARING:</b> (Notice generated by Chambers (rlr)) 4-day Bench Trial set to begin 3/19/2013 08:30 AM in Room 142 before Judge Ted Stewart. (rlr) (Entered: 02/08/2013)
02/08/2013	<u>142</u>	PRETRIAL ORDER. Jury Trial set for 2/19/2013 08:30 AM in Room 142 before Judge Ted Stewart. Signed by Judge Ted Stewart on 02/07/2013. (asp) (Entered: 02/08/2013)
03/12/2013	<u>143</u>	TRIAL BRIEF by Defendant Interpool Pool Cover Team. (Dewland, Richard) (Entered: 03/12/2013)
03/12/2013	<u>144</u>	TRIAL BRIEF by Plaintiff Aqua Shield. (Zenger, Todd) (Entered: 03/12/2013)
03/12/2013	<u>145</u>	MOTION in Limine and Memorandum in Support <i>or in the Alternative, Motion for Sanctions</i> filed by Plaintiff Aqua Shield. (Attachments: # <u>1</u> Exhibit List, # <u>2</u> Exhibit A - IPCs Initial Disclosures, # <u>3</u> Exhibit B - Pool & Spa Initial Disclosures, # <u>4</u> Exhibit C - Defendants Answers to Plaintiffs Jurisdictional Interrogatories, # <u>5</u> Exhibit D - IPCs Responses to Aqua Shields Interrogatories, # <u>6</u> Exhibit E - IPCs Responses to Aqua Shields Requests for Production of Documents, # <u>7</u> Exhibit F - Declaration of Igor Krol, # <u>8</u> Exhibit G - Email Correspondence between Counsel, # <u>9</u> Exhibit H - February 25, 2013 letter to G. Coffey, # <u>10</u> Exhibit I - February 26, 2013 email correspondence to G. Coffey) (Zenger, Todd) (Entered: 03/12/2013)
03/15/2013	<u>146</u>	MEMORANDUM in Opposition re <u>145</u> MOTION in Limine and Memorandum in

		Support <i>or in the Alternative, Motion for Sanctions</i> filed by Defendant Interpool Pool Cover Team. (Attachments: # <u>1</u> Affidavit of Gregory J. Coffey, # <u>2</u> Exhibit A of Coffey Declaration, # <u>3</u> Exhibit B of Coffey Declaration, # <u>4</u> Exhibit C of Coffey Declaration, # <u>5</u> Exhibit D of Coffey Declaration, # <u>6</u> Exhibit E of Coffey Declaration, # <u>7</u> Exhibit F of Coffey Declaration)(Dewland, Richard) (Entered: 03/15/2013)
03/18/2013	<u>147</u>	ORDER granting in part and denying in part <u>145</u> Motion in Limine and in the Alternative, Motion for Sanctions. Signed by Judge Ted Stewart on 3/18/13. (ss) (Entered: 03/18/2013)
03/18/2013	<u>148</u>	NOTICE of Appearance by Brandon S. Mecham on behalf of Interpool Pool Cover Team, Pool & Spa Enclosures (Mecham, Brandon) (Entered: 03/18/2013)
03/19/2013	<u>149</u>	Minute Entry for proceedings held before Judge Ted Stewart: Bench Trial held on 3/19/2013. An opening statement from defendant is heard. Witnesses sworn, testimony heard and exhibits admitted. Court is adjourned at 1:30 PM to resume again tomorrow at 8:30 AM. Attorney for Plaintiff: Todd E. Zenger, Attorney for Defendant: Gregory J. Coffey, Brandon S. Mecham. Court Reporter: Patti Walker. (rlr) (Entered: 03/20/2013)
03/20/2013	<u>150</u>	Minute Entry for proceedings held before Judge Ted Stewart: Bench Trial completed on 3/20/2013. Trial is continued from the previous day. Witnesses are called, testimony heard, exhibits admitted. Both sides rest on their cases. The transcript will be prepared by 4/12/2013. The parties Proposed Findings of Fact and Conclusions of Law are due to the Court by 5/10/2013. Court is adjourned. Attorney for Plaintiff: Todd E. Zenger, Attorney for Defendant: Gregory J. Coffey, Brandon S. Mecham. Court Reporter: Patti Walker. (rlr) (Entered: 03/21/2013)
03/20/2013	<u>151</u>	Witness and Exhibit List from Bench Trial. (rlr) (Entered: 03/21/2013)
04/15/2013	<u>152</u>	<p>NOTICE OF FILING OF OFFICIAL TRANSCRIPT of Bench Trial held on March 20, 2013 before Judge TED STEWART. Court Reporter/Transcriber Patti Walker, Telephone number 801-364-5440.</p> <p><b>NOTICE RE REDACTION OF TRANSCRIPTS: Within 7 business days of this filing, each party shall inform the Court, by filing a Notice of Intent to Redact, of the parties intent to redact personal data identifiers from the electronic transcript of the court proceeding. The policy and forms are located on the court's website at <a href="http://www.utd.uscourts.gov">www.utd.uscourts.gov</a>. Please read this policy carefully. If no Notice of Intent to Redact is filed within the allotted time, this transcript will be made electronically available on the date set forth below.</b></p> <p>Transcript may be viewed at the court public terminal or purchased through the Court Reporter/Transcriber before the deadline for Release of Transcript Restriction. After that date it may be obtained through PACER. Redaction Request due 5/6/2013. Redacted Transcript Deadline set for 5/16/2013. Release of Transcript Restriction set for 7/15/2013. (asp) Modified by removing restricted text on 7/15/2013 (rks). (Entered: 04/15/2013)</p>
04/15/2013	<u>153</u>	<b>**RESTRICTED DOCUMENT**</b> NOTICE OF FILING OF OFFICIAL TRANSCRIPT of Bench Trial held on March 19, 2013 before Judge TED

		<p>STEWART. Court Reporter/Transcriber Patti Walker, Telephone number 801-364-5440.</p> <p><b>NOTICE RE REDACTION OF TRANSCRIPTS:</b> Within 7 business days of this filing, each party shall inform the Court, by filing a Notice of Intent to Redact, of the parties intent to redact personal data identifiers from the electronic transcript of the court proceeding. The policy and forms are located on the court's website at <a href="http://www.utd.uscourts.gov">www.utd.uscourts.gov</a>. Please read this policy carefully. If no Notice of Intent to Redact is filed within the allotted time, this transcript will be made electronically available on the date set forth below.</p> <p>Transcript may be viewed at the court public terminal or purchased through the Court Reporter/Transcriber before the deadline for Release of Transcript Restriction. After that date it may be obtained through PACER. Redaction Request due 5/6/2013. Redacted Transcript Deadline set for 5/16/2013. Release of Transcript Restriction set for 7/15/2013. (asp) (Entered: 04/15/2013)</p>
05/03/2013	<u>155</u>	Defendant's MOTION for Extension of Time To Submit Proposed Findings of Fact and Conclusions of Law filed by Defendant Interpool Pool Cover Team. (Attachments: # <u>1</u> Affidavit Declaration of Gregory J. Coffey) Motions referred to Dustin B. Pead.(Dewland, Richard) (Entered: 05/03/2013)
05/06/2013	156	Motions No Longer Referred: <u>155</u> Defendant's MOTION for Extension of Time To Submit Proposed Findings of Fact and Conclusions of Law shall be handled by the District Court. (amn) (Entered: 05/06/2013)
05/06/2013	<u>157</u>	NOTICE of Non-Opposition by Aqua Shield re <u>155</u> Defendant's MOTION for Extension of Time To Submit Proposed Findings of Fact and Conclusions of Law (Zenger, Todd) (Entered: 05/06/2013)
05/06/2013	<u>158</u>	ORDER granting <u>155</u> Motion for Extension of Time.Plaintiff and Defendant shall both have until May 24, 2013, to file their proposed findings of fact and conclusions of law. Signed by Judge Ted Stewart on 5/6/13. (ss) (Entered: 05/06/2013)
05/23/2013	<u>159</u>	MOTION for Extension of Time To Submit Proposed Findings of Fact and Conclusions of Law filed by Plaintiff Aqua Shield. (Attachments: # <u>1</u> Text of Proposed Order) Motions referred to Dustin B. Pead.(Zenger, Todd) (Entered: 05/23/2013)
05/23/2013	<u>160</u>	ORDER granting <u>159</u> Motion for Extension of Time. Plaintiff and Defendant shall both have until Thursday, May 30, 2013, to file their proposed findings of fact and conclusions of law. Signed by Judge Ted Stewart on 5/23/13. (ss) (Entered: 05/23/2013)
05/29/2013	<u>161</u>	MOTION for Extension of Time Submission of Proposed Findings of Fact and Conclusions of Law filed by Defendant Interpool Pool Cover Team. (Attachments: # <u>1</u> Affidavit Declaration of Richard J. Dewland) Motions referred to Dustin B. Pead.(Dewland, Richard) (Entered: 05/29/2013)
05/29/2013	162	DOCKET TEXT ORDER denying <u>161</u> Motion for Extension of Time Signed by Judge Ted Stewart on 5/29/2013. No attached document. (ngw) (Entered: 05/29/2013)



05/30/2013	<u>163</u>	Proposed Findings of Fact by Aqua Shield. (Zenger, Todd) (Entered: 05/30/2013)
05/30/2013	<u>164</u>	Proposed Findings of Fact by Interpool Pool Cover Team. (Dewland, Richard) (Entered: 05/31/2013)
08/14/2013	<u>165</u>	FINDINGS OF FACT AND CONCLUSIONS OF LAW. See order for details. Signed by Judge Ted Stewart on 08/14/2013. (asp) (Entered: 08/14/2013)
08/14/2013	<u>166</u>	CLERK'S JUDGMENT - that judgment be entered in favor of the plaintiff and against the defendants on plaintiff's claim that defendants' models Universe, Laguna, Tropea, Combi, Style, Veranda, Spa and Orient infringe claims 1-14 and 16 of the '160 Patent. Defendants Inter Pool Cover Team, Alukov HZ Spol.S.R.O., Alukov Spol.S.R.O., Pool & Spa Enclosures, their officers, agents, servants, employees and attorneys, and those persons in active concert or participation with such person(s) who receive actual notice or this order by personal service or otherwise, shall be permanently enjoined from infringing, either directly, by inducement, or by contribution, the, 160 Patent making, using, selling, or offering to sell the products adjudged to infringe in the United States or importing into the United States the products adjudged to infringe or not more than colorably different from the adjudicated devices. The products adjudged to infringe the '160 Patent include the following pool cover models manufactured or offered for sale by defendants: Universe, Laguna, Tropea, Combi, Style, Veranda, Spa, and Orient with generally flat and removable end-panels. Signed by LSY. Case Closed. Magistrate Judge Dustin B. Pead no longer assigned to case (ss) (Entered: 08/15/2013)
09/12/2013	<u>167</u>	MOTION to Alter Judgment and Memorandum in Support filed by Plaintiff Aqua Shield. (Attachments: # <u>1</u> Exhibit 1 - Order to Show Cause, # <u>2</u> Exhibit 2 - Defendants' Opposition, # <u>3</u> Exhibit 3 - Hearing Transcript, 10/25/2005, # <u>4</u> Exhibit 4 - Defendants' Gross/Net Profit)(Zenger, Todd) (Entered: 09/12/2013)
09/30/2013	<u>168</u>	MEMORANDUM in Opposition re <u>167</u> MOTION to Alter Judgment and Memorandum in Support filed by Defendant Interpool Pool Cover Team. (Dewland, Richard) (Entered: 09/30/2013)
10/04/2013	<u>169</u>	<b>NOTICE OF HEARING ON MOTION</b> re: <u>167</u> MOTION to Alter Judgment and Memorandum in Support : (Notice generated by Chambers (rlr)).  Motion Hearing set for 11/18/2013 03:00 PM in Room 142 before Judge Ted Stewart. (rlr) (Entered: 10/04/2013)
10/17/2013	<u>170</u>	ERRATA to <u>167</u> MOTION to Alter Judgment and Memorandum in Support filed by Plaintiff Aqua Shield . (Attachments: # <u>1</u> Errata Pages 5-6)(Zenger, Todd) (Entered: 10/17/2013)
10/17/2013	<u>171</u>	REPLY to Response to Motion re <u>167</u> MOTION to Alter Judgment and Memorandum in Support filed by Plaintiff Aqua Shield. (Zenger, Todd) (Entered: 10/17/2013)
10/25/2013	<u>172</u>	EXHIBITS filed by Aqua Shield re <u>171</u> Reply Memorandum/Reply to Response to Motion. (Attachments: # <u>1</u> Exhibit List, # <u>2</u> Exhibit HHa, # <u>3</u> Exhibit HHb, # <u>4</u> Exhibit HHc)(Zenger, Todd) (Entered: 10/25/2013)
11/18/2013	<u>173</u>	Minute Entry for proceedings held before Judge Ted Stewart: Motion Hearing

		held on 11/18/2013 re <u>167</u> MOTION to Alter Judgment and Memorandum in Support filed by Aqua Shield. Discussion and argument heard. Plaintiff will be given 10 days to file any necessary response to the case law submitted in court by the defendant. The Court takes the matter under advisement and will issue a ruling as soon as possible. Attorney for Plaintiff: Todd Zenger, Attorney for Defendant: Dickson Burton, Gregory Coffey, Brandon Mecham. Court Reporter: Patti Walker. (rlr) (Entered: 11/18/2013)
12/02/2013	<u>174</u>	Consent MOTION for Extension of Time to File Response filed by Plaintiff Aqua Shield. (Attachments: # <u>1</u> Text of Proposed Order)(Zenger, Todd) (Entered: 12/02/2013)
12/03/2013	<u>175</u>	NOTICE of Filing of Response to Legal Authority Cited by Defendants by Aqua Shield re <u>167</u> MOTION to Alter Judgment and Memorandum in Support (Zenger, Todd) (Entered: 12/03/2013)
12/04/2013	<u>176</u>	ORDER granting <u>174</u> Motion for Extension of Time. Plaintiff shall have until Tuesday, December 3, 2013, to file its response to case law submitted by Defendant. Signed by Judge Ted Stewart on 12/4/13. (ss) (Entered: 12/04/2013)
12/04/2013	<u>177</u>	OBJECTIONS to <u>175</u> Notice (Other) <i>Plaintiff's Response to Legal Authority Cited by Defendants</i> filed by Alukov HZ spol Sro, Alukov spol Sro, Interpool Pool Cover Team, Pool & Spa Enclosures. (Burton, H.) (Entered: 12/04/2013)
12/09/2013	<u>178</u>	MEMORANDUM DECISION AND ORDER - granting in part and denying in part <u>167</u> Motion to Alter Judgment. Signed by Judge Ted Stewart on 12/9/13. (ss) (Entered: 12/09/2013)
12/09/2013	<u>179</u>	CLERK'S AMENDED JUDGMENT in favor of Aqua Shield against Alukov HZ spol Sro, Alukov spol Sro, Interpool Pool Cover Team, Pool & Spa Enclosures. IT IS ORDERED AND ADJUDGED that judgment be entered in favor of the plaintiff and against the defendant on plaintiffs claim that the defendants' models Universe, Laguna, Tropea, Combi, Style, Veranda, Spa and Orient infringe claims 1-14 and 16 of the '160 Patent. Defendants Inter Pool Over Team, Alukov HZ Spol.S.R.O. Alukov Spol.S.R.O., Pool and Spa Enclosures, their officers, agents, servants, employees and attorneys, and those persons in active concert or participation with such person(s) who receive actual notice of this order, by personal service or otherwise, shall be permanently enjoined from infringing, either directly, by inducement, or by contribution, the '160 Patent making using, selling or offering to sell the products adjudged to infringe in the United States or importing into the United States the products adjudged to infringe or are not more than colorably different from the adjudicated devices. The products adjudged to infringe the '190 patents include the following pool cover models manufactured or offered for sale by defendants: Universe, Laguna, Tropea, Combi, Style, Veranda, Spa and Orient with generally flat and removable end-panels. Plaintiff is further awarded a reasonable royalty in the amount of \$10,800. signed by LSY. (ss) (Entered: 12/12/2013)
12/23/2013	<u>180</u>	BILL OF COSTS filed by Aqua Shield. (Attachments: # <u>1</u> Exhibit KM Cost Report, # <u>2</u> Exhibit Krol & Connor Cost Report)(Zenger, Todd) (Entered: 12/23/2013)
12/27/2013	<u>181</u>	Report on the Final Decision of an action sent to the Director of the U.S. Patent

		and Trademark Office. (tls) (Entered: 12/27/2013)
01/07/2014	<u>182</u>	Obejction to proposed Bill of Costs BRIEF re <u>180</u> Bill of Costs filed by Defendant Interpool Pool Cover Team. (Dewland, Richard) (Entered: 01/07/2014)
01/08/2014	<u>183</u>	NOTICE OF APPEAL as to <u>179</u> Clerk's Judgment,,,,, filed by Aqua Shield. Appeals to the USCA for the Federal Circuit. Filing fee \$ 505, receipt number 1088-1975459. (Attachments: # <u>1</u> Exhibit 1 - Docket No. 179, Amended Judgment)(Zenger, Todd) (Entered: 01/08/2014)
01/08/2014	<u>184</u>	<del>Transmission of Preliminary Record to USCA re <u>183</u> Notice of Appeal. (Attachments: # <u>1</u> Appendix)(jmr)</del> Modified on 1/8/2014-Redocketed and sent to the Federal Circuit (jmr). (Entered: 01/08/2014)
01/08/2014	<u>185</u>	Transmission of Preliminary Record to USCA re <u>183</u> Notice of Appeal. (Attachments: # <u>1</u> AppendixAffidavit)(jmr) Modified on 1/8/2014 to change affidavit to appendix (jmr). (Entered: 01/08/2014)
02/10/2014	<u>186</u>	Costs Taxed in amount of \$ 1971.17 for Plaintiff against Defendant signed by LSY 2/10/14 (ss) (Entered: 02/12/2014)
02/12/2014	<u>187</u>	USCA Case Number Case Appealed to Federal Circuit Case Number 14-1263 for <u>183</u> Notice of Appeal, filed by Aqua Shield. (jmr) (Entered: 02/12/2014)
03/21/2014	<u>188</u>	MOTION to Stay and Memorandum in Support of <i>Motion to Stay Execution of Final Judgment</i> filed by Defendant Interpool Pool Cover Team. (Attachments: # <u>1</u> Declaration of Gregory J. Coffey)(Dewland, Richard) (Entered: 03/21/2014)
04/07/2014	<u>189</u>	MEMORANDUM in Opposition re <u>188</u> MOTION to Stay and Memorandum in Support of <i>Motion to Stay Execution of Final Judgment</i> filed by Plaintiff Aqua Shield. (Attachments: # <u>1</u> Exhibit A - Appeal Brief)(Anderson, Dax) (Entered: 04/07/2014)
04/30/2014	<u>190</u>	MEMORANDUM DECISION AND ORDER denying <u>188</u> Motion to Stay All Proceedings to Enforce the Final Judgment Pending Appeal. Signed by Judge Ted Stewart on 4/30/14 (alt) (Entered: 04/30/2014)
04/30/2014		Remark: no hard copy of <u>190</u> Order will be mailed as the only atty not e-filing is at a firm where another atty is properly receiving e-notice (alt) (Entered: 04/30/2014)
01/28/2015	<u>191</u>	MANDATE of USCA as to <u>183</u> Notice of Appeal, filed by Aqua Shield. According to the USCA - Federal Circuit, the Memorandum Decision & Clerk's Judgment of the USDC for the Dist of UT is Vacated in Part and Remanded. Judgment included with mandate: Yes. (Attachments: # <u>1</u> Mandate) (blh) (Entered: 01/28/2015)
02/05/2015	<u>192</u>	<b>NOTICE OF HEARING:</b> (Notice generated by Chambers (rlr)). Status Conference set for 3/10/2015 at 02:00 PM in Rm 8.300 before Judge Ted Stewart. (rlr) (Entered: 02/05/2015)
03/05/2015	<u>193</u>	<b>AMENDED NOTICE OF HEARING:</b> (Notice generated by Chambers (rlr)) Status Conference re-set at the request of the Court for 3/9/2015 at 02:00 PM in Rm 8.300 before Judge Ted Stewart. <b>PLEASE NOTE NEW DATE.</b> (rlr) (Entered: 03/05/2015)

03/05/2015	<u>194</u>	<b>SECOND AMENDED NOTICE OF HEARING:</b> (Notice generated by Chambers (rlr)). Status Conference re-set for 3/9/2015 at 03:30 PM in Rm 8.300 before Judge Ted Stewart. <b>NOTE: THIS IS A TIME CHANGE ONLY.</b> (rlr) (Entered: 03/05/2015)
03/09/2015	<u>195</u>	Minute Entry for proceedings held before Judge Ted Stewart: Status Conference held on 3/9/2015. Mr. Zenger is present in the courtroom, Mr. Coffey is present via teleconference. Status of the case is given. The Court directs counsel to simultaneously file briefing re: Recalculating a reasonable royalty and the issue of wilfulness pursuant to the remand. The parties briefs are due by 4/23/2015 and are to be no more than 10 pages.  Attorney for Plaintiff: Todd Zenger, Attorney for Defendant: Greg Coffey. Court Reporter: Patti Walker.(rlr) (Entered: 03/10/2015)
04/23/2015	<u>196</u>	Remand Submission BRIEF filed by Defendant Interpool Pool Cover Team. (Dewland, Richard) (Entered: 04/23/2015)
04/23/2015	<u>197</u>	Supplemental BRIEF <i>on Damages, Willful Infringement, Increased Damages and Attorney Fees on Remand</i> filed by Plaintiff Aqua Shield. (Attachments: # <u>1</u> Exhibit 1)(Zenger, Todd) (Entered: 04/23/2015)
05/05/2015	<u>198</u>	NOTICE of SUPPLEMENTAL AUTHORITY by Interpool Pool Cover Team re <u>196</u> Brief (Attachments: # <u>1</u> Supplement Supplemental Authority) (Dewland, Richard) (Entered: 05/05/2015)
05/12/2015	<u>199</u>	Supplement to MANDATE of USCA as to <u>183</u> Notice of Appeal, filed by Aqua Shield. Costs in the amount of \$562.12 were determined and taxed against the appellee. (jmr) (Entered: 05/12/2015)
08/10/2015	<u>200</u>	MEMORANDUM DECISION and ORDER on Remand. Signed by Judge Ted Stewart on 8/10/2015. (blh) (Entered: 08/10/2015)
08/17/2015	<u>201</u>	CLERK'S JUDGMENT in favor of Aqua Shield against Alukov HZ spol Sro, Alukov spol Sro, Interpool Pool Cover Team, Pool & Spa Enclosures signed by Chief Deputy Clerk - LSY. IT IS ORDERED AND ADJUDGED That judgment be entered in favor of the plaintiff and against the defendant on plaintiff's claim that the defendants' models Universe, Laguna, Tropea, Combi, Style, Veranda, Spa and Orient infringe claims 1-14 and 16 of the '160 Patent. Defendants, their officers, agents, servants, employees and attorneys and those in active concert or participation with such person(s) who receive actual notice of this order, by personal service or otherwise, shall be permanently enjoined from infringing, either directly, by inducement, or by contribution the '160 Patent making, using, selling or offering to sell the products adjudged to infringe in the United States or importing into the United States the products adjudged to infringe or are not more than colorably different from the adjudicated devices. The products adjudged to infringe the '160 Patent include the following pool cover models manufactured or offered for sale by defendants: Universe, Laguna, Tropea, Combi, Style, Veranda, Spa and Orient with generally flat and removable end-panels. Plaintiff is further awarded costs in the amount of \$1,971.17 and reasonable royalties in the amount of \$216,000.00. (blh) (Entered: 08/18/2015)
09/09/2015	<u>202</u>	NOTICE OF APPEAL as to <u>200</u> MEMORANDUM DECISION and ORDER on

		Remand, <u>201</u> Clerk's Judgment filed by Interpool Pool Cover Team, Alukov HZ spol Sro, Alukov spol Sro, Pool & Spa Enclosures. Appeals to the USCA for the Federal Circuit. Filing fee \$ 505, receipt number 1088-2337000. (Attachments: # <u>1</u> Exhibit Exhibit 1)(Dewland, Richard) Modified by adding docket entry relationship on 9/9/2015 (blh). Modified by adding additional filers on 9/9/2015 (blh). (Entered: 09/09/2015)
09/09/2015	<u>203</u>	Transmission of Preliminary Record to USCA re <u>202</u> Notice of Appeal as to Federal Circuit (Attachments: # <u>1</u> Appendix) (blh) (Entered: 09/09/2015)
09/10/2015	<u>204</u>	USCA Case Number Case Appealed to Federal Circuit <del>Tenth</del> . Case Number 15-2009 for <u>202</u> Notice of Appeal, filed by Alukov spol Sro, Alukov HZ spol Sro, Pool & Spa Enclosures, Interpool Pool Cover Team. (jmr) Modified on 9/11/2015 to change to Federal Circuit instead of Tenth Circuit (jmr). (Entered: 09/10/2015)
09/10/2015	<u>205</u>	Defendant's MOTION to Stay and Memorandum in Support filed by Defendant Interpool Pool Cover Team. (Attachments: # <u>1</u> Declaration of Gregory J. Coffey) (Dewland, Richard) (Entered: 09/10/2015)
09/17/2015	<u>206</u>	NOTICE OF APPEAL as to <u>200</u> MEMORANDUM DECISION and ORDER on Remand, <u>201</u> Clerk's Judgment filed by Aqua Shield. Appeals to the USCA for the Federal Circuit. Filing fee \$ 505, receipt number 1088-2343127. (Attachments: # <u>1</u> Exhibit 1 - Judgment)(Zenger, Todd) Modified by adding additional docket entry relationship on 9/18/2015 (blh). (Entered: 09/17/2015)
09/18/2015	<u>207</u>	Transmission of Preliminary Record to USCA re <u>206</u> Notice of Appeal as to Federal Circuit (Attachments: # <u>1</u> Appendix) (blh) (Entered: 09/18/2015)
09/23/2015	<u>208</u>	USCA Case Number Case Appealed to Federal Circuit Case Number 15-2055 for <u>206</u> Notice of Appeal, filed by Aqua Shield. (jmr) (Entered: 09/23/2015)
09/28/2015	<u>209</u>	MOTION for Extension of Time to File Response/Reply as to <u>205</u> Defendant's MOTION to Stay and Memorandum in Support filed by Plaintiff Aqua Shield. (Attachments: # <u>1</u> Text of Proposed Order)(Zenger, Todd) (Entered: 09/28/2015)
09/30/2015	<u>210</u>	ORDER granting <u>209</u> Motion for Extension of Time to File Response/Reply re <u>205</u> Defendant's MOTION to Stay and Memorandum in Support . Responses due by 10/1/2015. Signed by Judge Ted Stewart on 9/29/15. (jlw) (Entered: 09/30/2015)
10/01/2015	<u>211</u>	MEMORANDUM in Opposition re <u>205</u> Defendant's MOTION to Stay and Memorandum in Support filed by Plaintiff Aqua Shield. (Zenger, Todd) (Entered: 10/01/2015)
10/26/2015	<u>212</u>	MEMORANDUM DECISION and ORDER denying without prejudice <u>205</u> Motion to Stay. Signed by Judge Ted Stewart on 10/26/2015. (blh) (Entered: 10/26/2015)

<b>PACER Service Center</b>
<b>Transaction Receipt</b>
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<b>PACER Login:</b>	co1255:2903963:0	<b>Client Code:</b>	
<b>Description:</b>	Docket Report	<b>Search Criteria:</b>	2:09-cv-00013- TS
<b>Billable Pages:</b>	22	<b>Cost:</b>	2.20



US006637160B2

(12) **United States Patent**  
**Brooks**

(10) **Patent No.:** **US 6,637,160 B2**  
(45) **Date of Patent:** **Oct. 28, 2003**

(54) **TELESCOPIC ENCLOSURE**

5,507,121 A \* 4/1996 Taylor ..... 52/66

(76) **Inventor:** **Bob Brooks**, 46 Saint Marks Pl.,  
Massapequa, NY (US) 11758

\* cited by examiner

(\*) **Notice:** Subject to any disclaimer, the term of this  
patent is extended or adjusted under 35  
U.S.C. 154(b) by 0 days.

*Primary Examiner*—Carl D. Friedman  
*Assistant Examiner*—Yvonne M. Horton  
(74) *Attorney, Agent, or Firm*—Michael I. Kroll

(57) **ABSTRACT**

(21) **Appl. No.:** **09/902,417**

(22) **Filed:** **Jul. 10, 2001**

(65) **Prior Publication Data**

US 2003/0014927 A1 Jan. 23, 2003

(51) **Int. Cl.** **E04B 1/346; E04B 7/16**

(52) **U.S. Cl.** **52/66; 52/67; 135/119;**  
135/129; 49/163; 4/502; 4/503; 160/272;  
160/273.1; 296/100.03; 296/100.17; 296/105

(58) **Field of Search** **52/65, 66, 63,**  
52/67; 135/96, 115, 116, 119, 124, 129;  
49/163, 505; 4/502, 503, 498; 160/272,  
273.1; 296/100.03, 105, 100.17

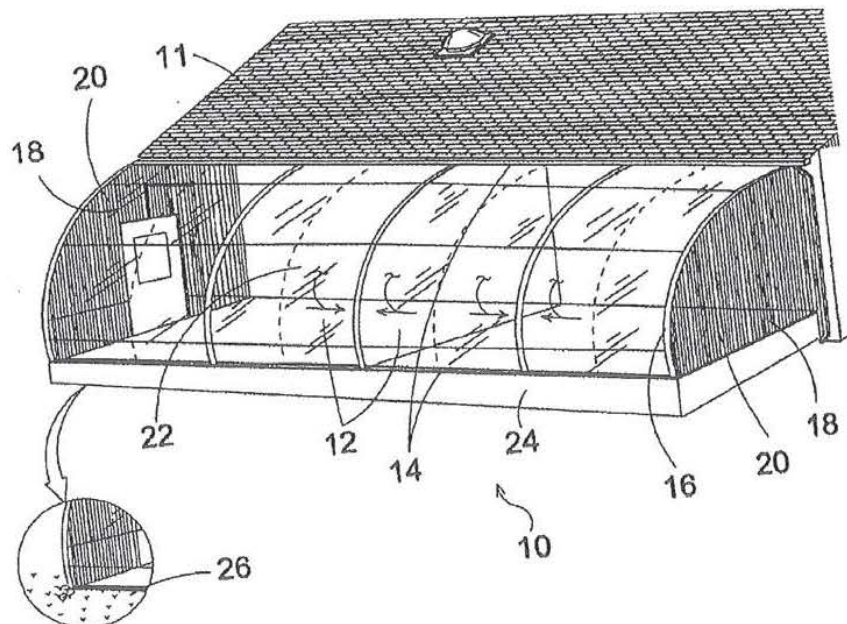
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4,280,306 A \* 7/1981 Milinic ..... 52/63  
4,783,861 A \* 11/1988 Leurent ..... 4/498

The present invention 10 discloses a plurality of movable transparent arcuate sections 12 that can roll on their own designated tracks 14 to enclose or expose a sun room or pool area 18. Thus, the present invention 10 is comprised of a plurality of overlapping transparent arcuate arches or sections 12 positioned on parallel tracks 14. The arches 12 can be selectively moved to any position on the parallel tracks 14. The two distal end arches have removable end closure panels 20. Each of the transparent panel members 22 or arch 12 are positioned within a frame member 16 having a plurality of wheels 36 engaging the spaced apart track members 14. Track members 14 are fixedly positioned to the ground or foundation structures 58 in a spaced-apart parallel configuration. Each side of an arch 12 consists of a plurality of wheels 36 fixedly positioned between spaced apart track elements 14 having hook-like terminations 53 to prevent dislocation of the frame member 16 from the track member 14. Each arch 12 is slidably positioned on its respective track 14 before plugs 54 are inserted into each track rail distal end.

**16 Claims, 21 Drawing Sheets**



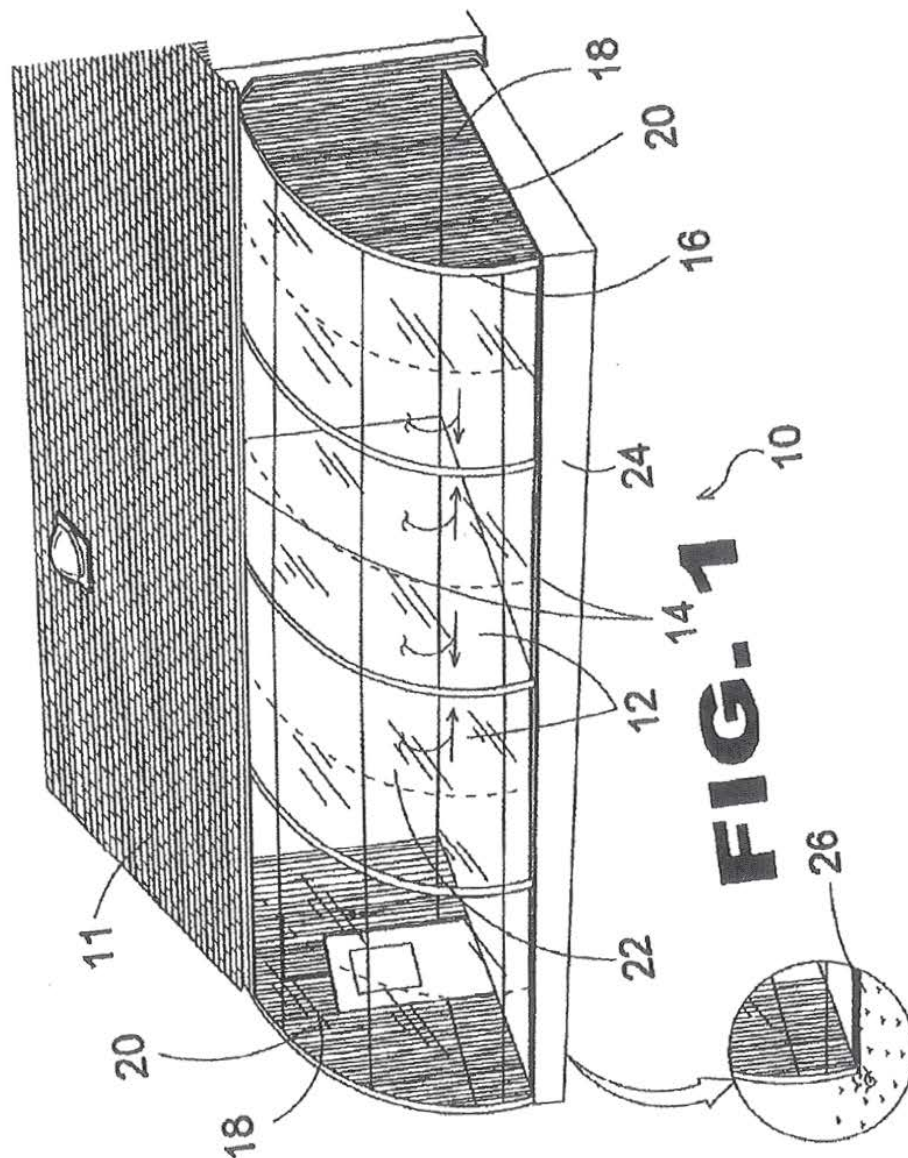


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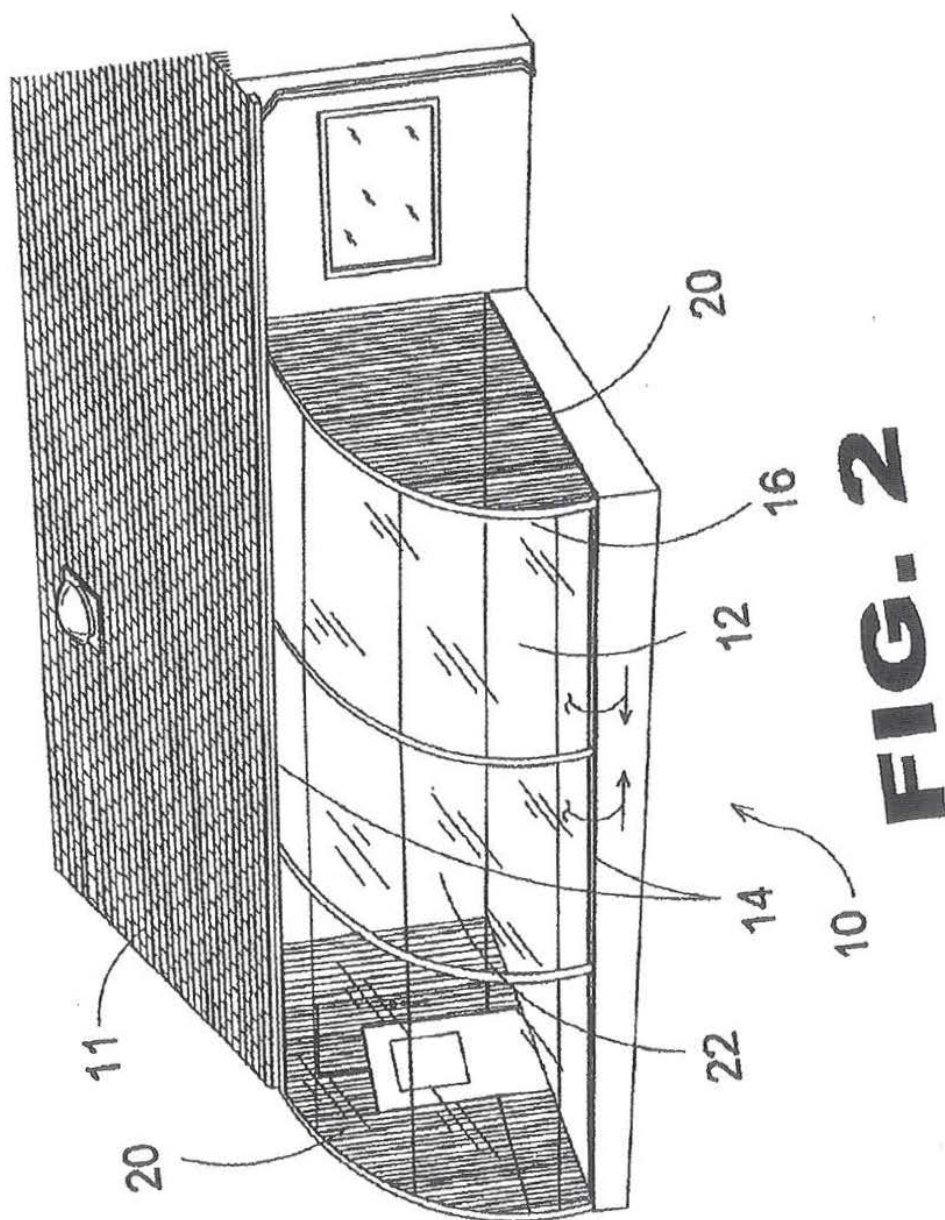


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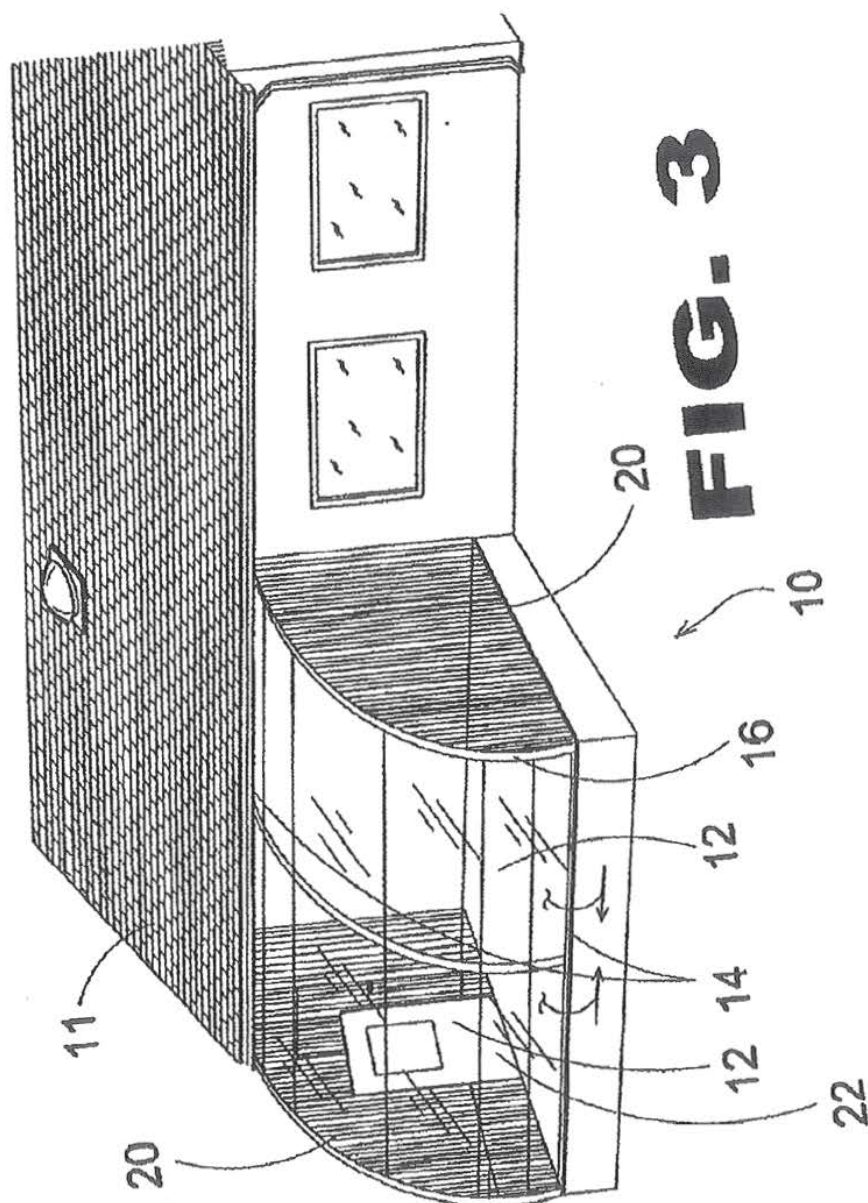


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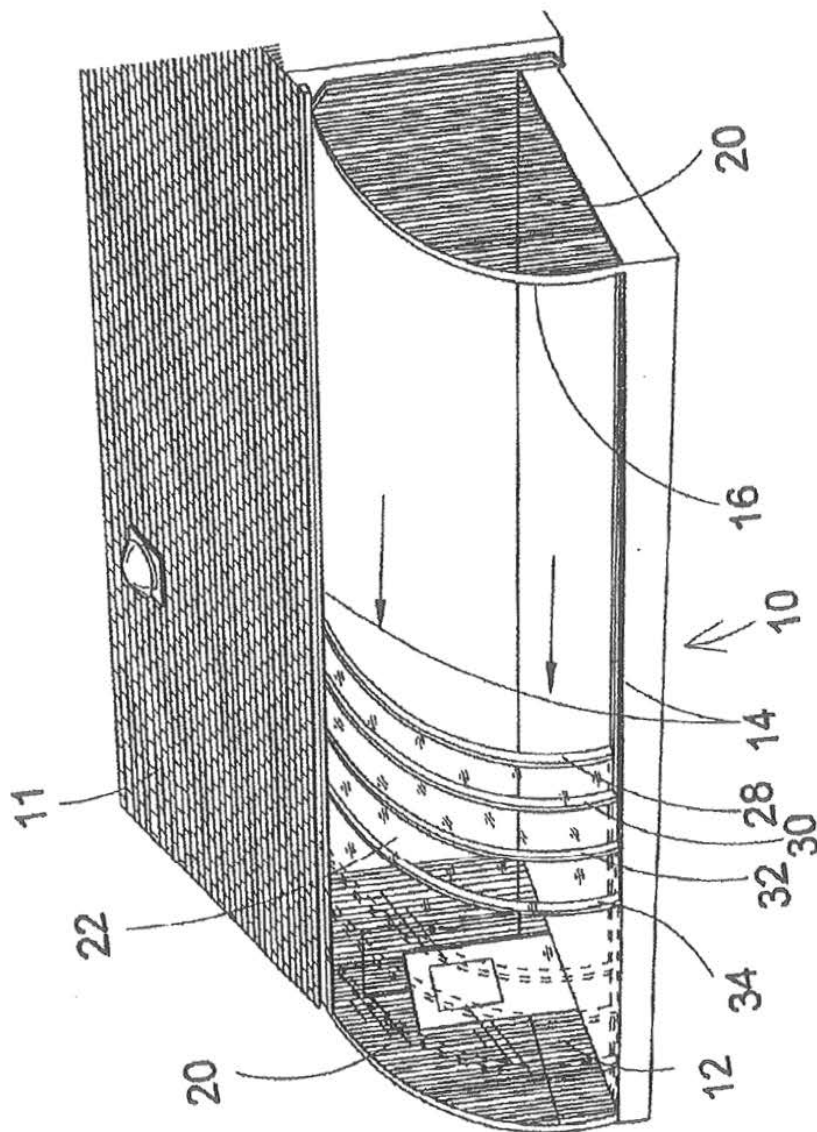


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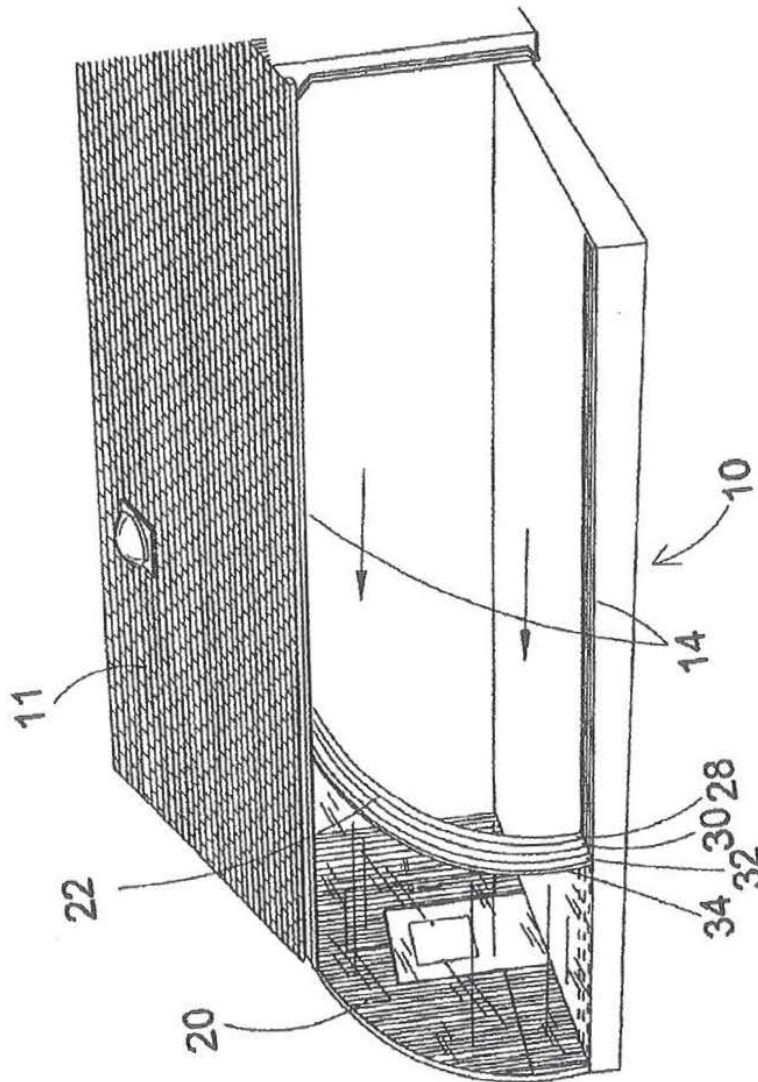
**FIG. 4**

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**FIG. 5**

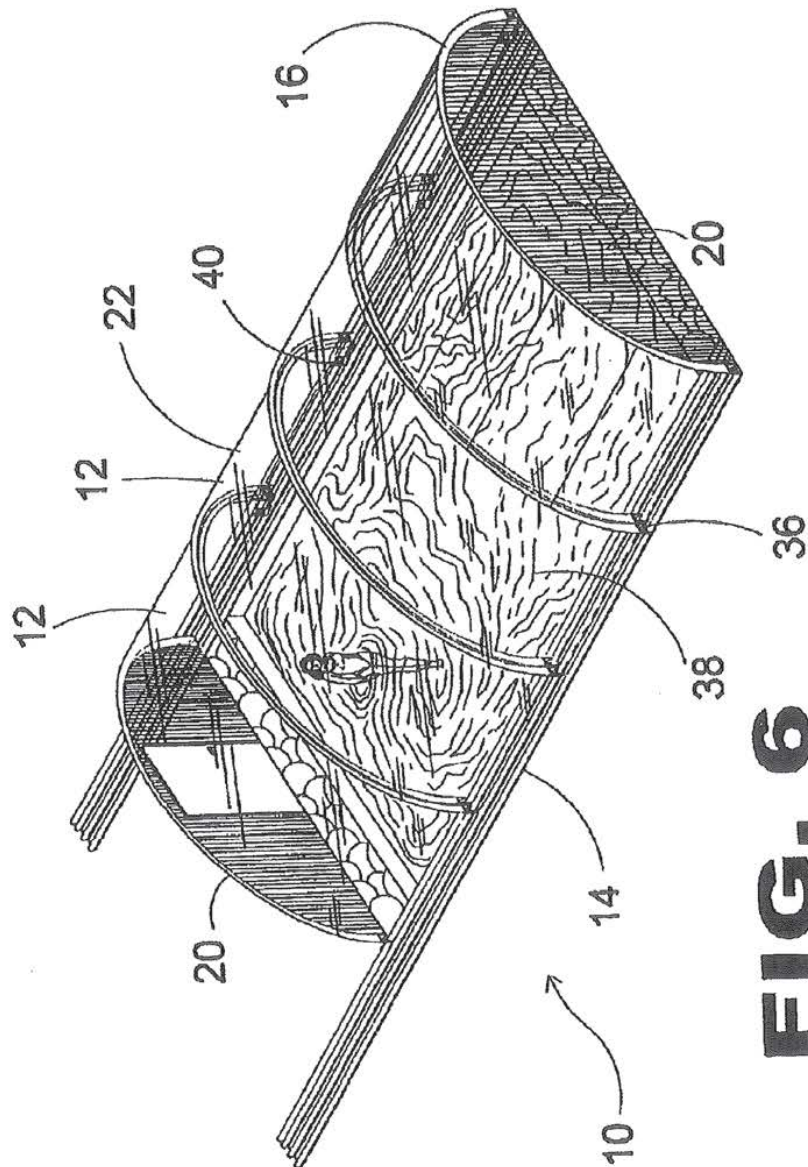


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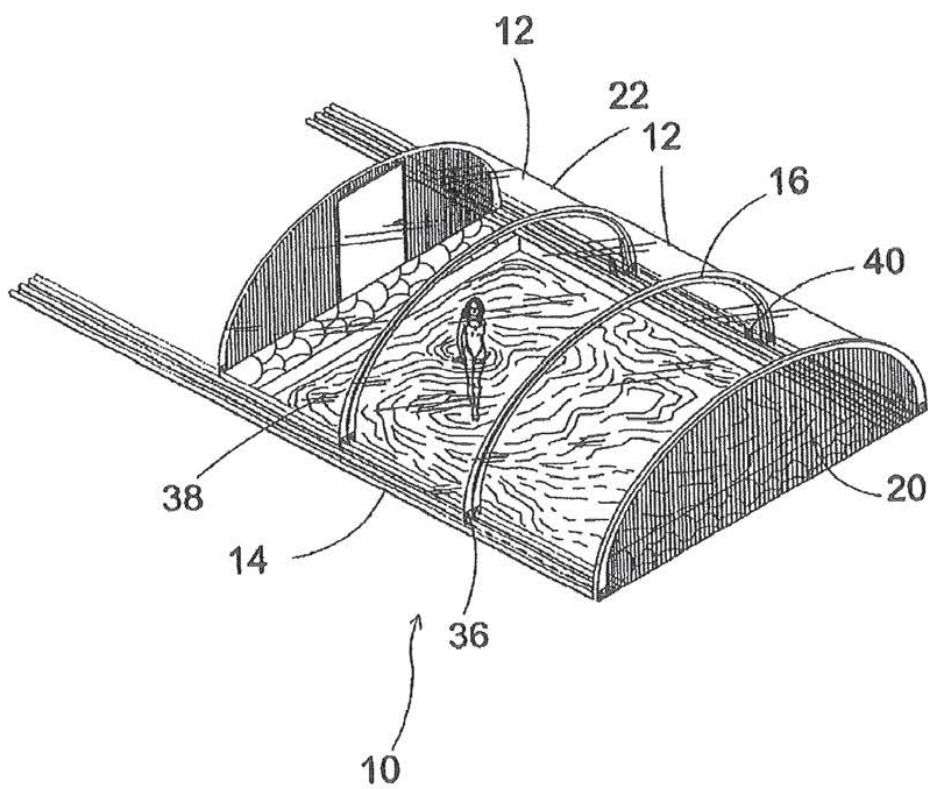
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**FIG. 6**

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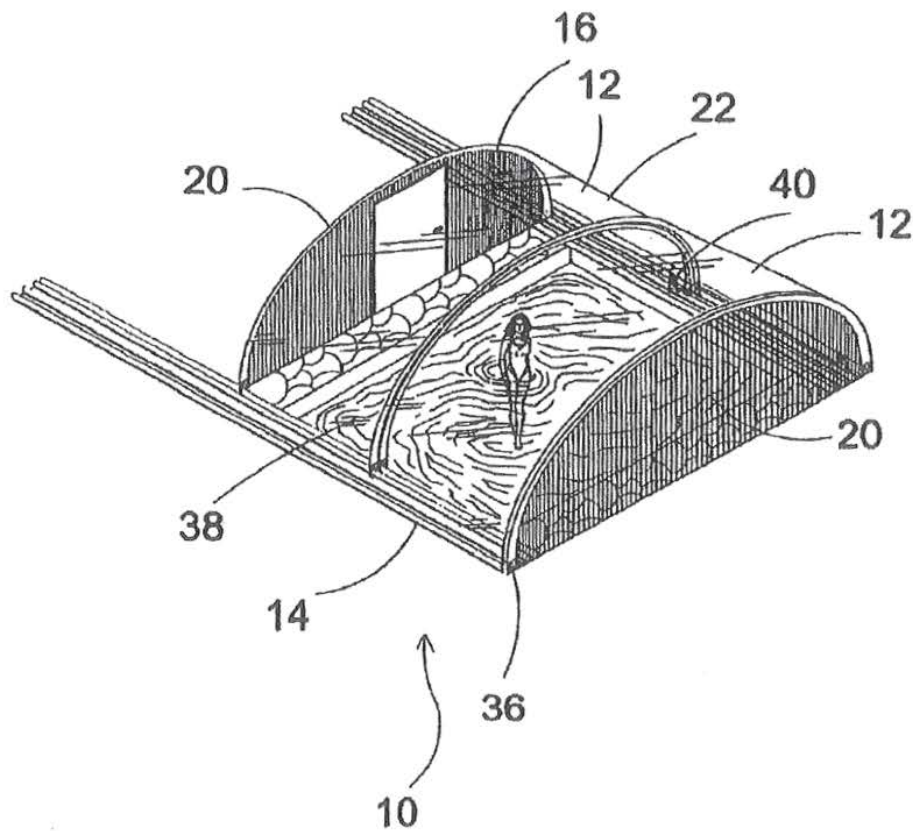
**FIG. 7**

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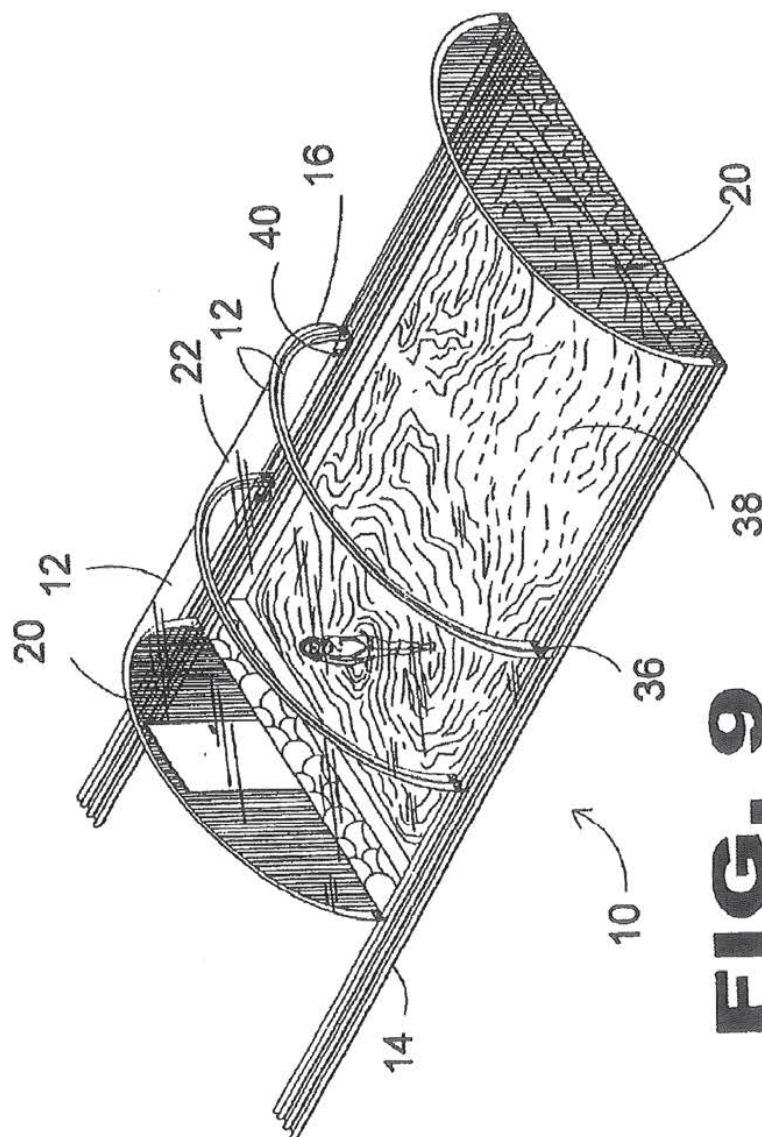
**FIG. 8**

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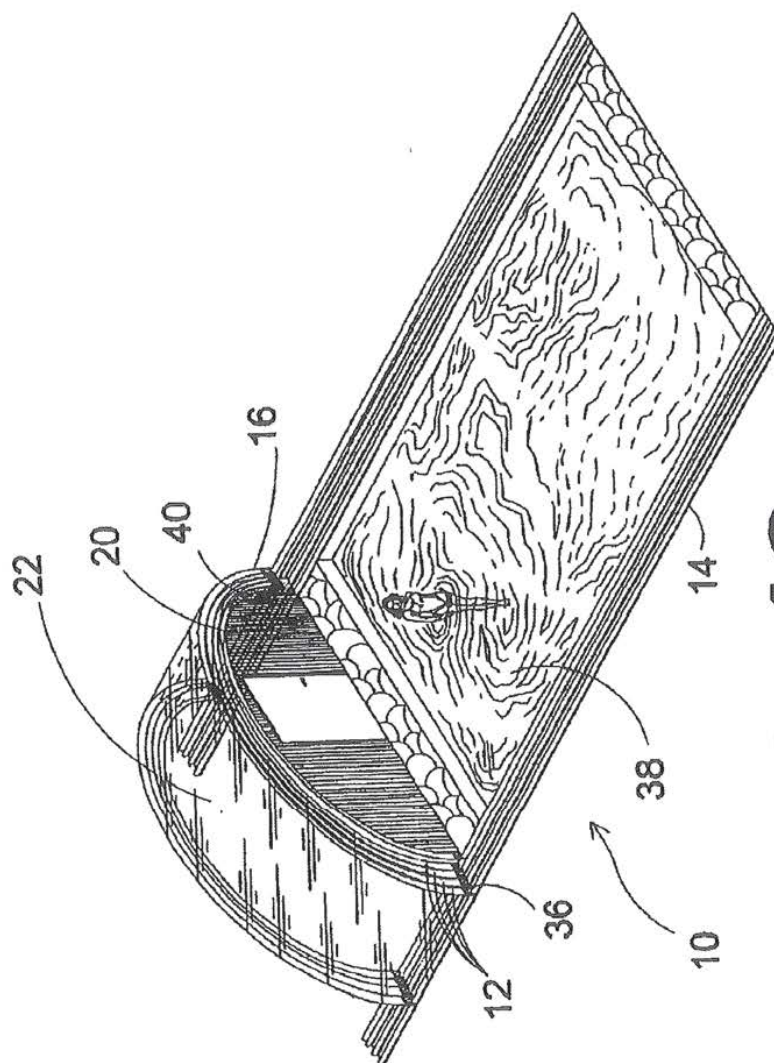


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**FIG. 10**

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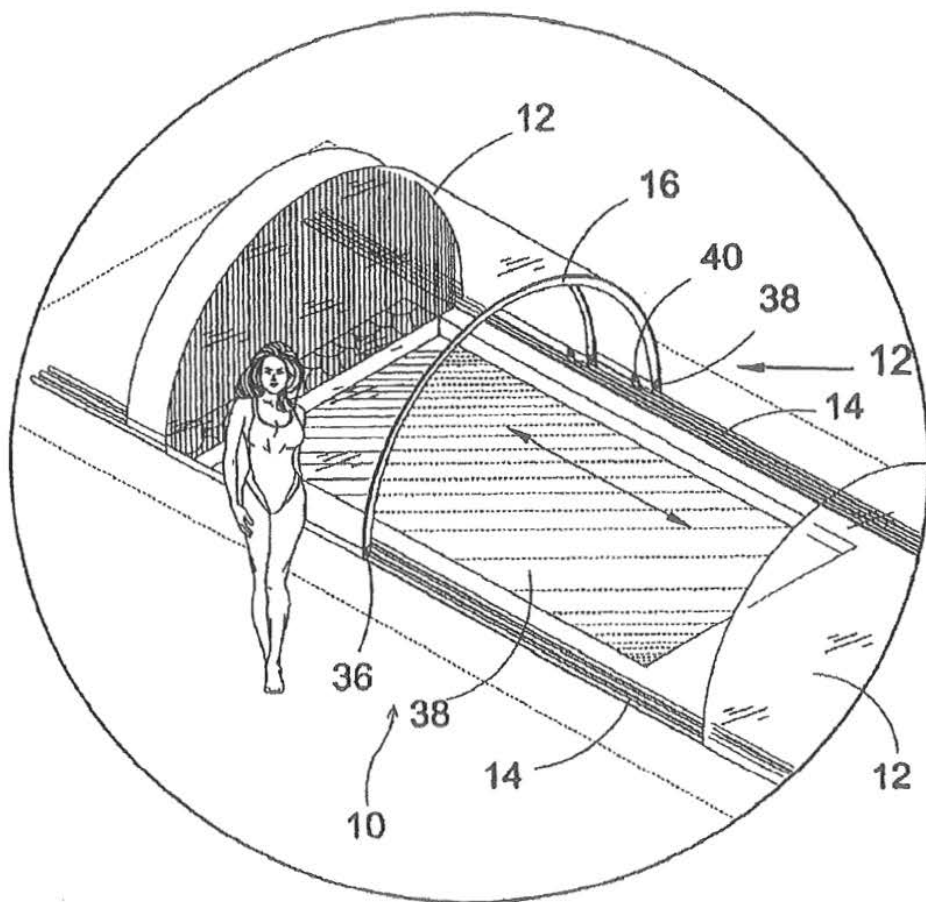


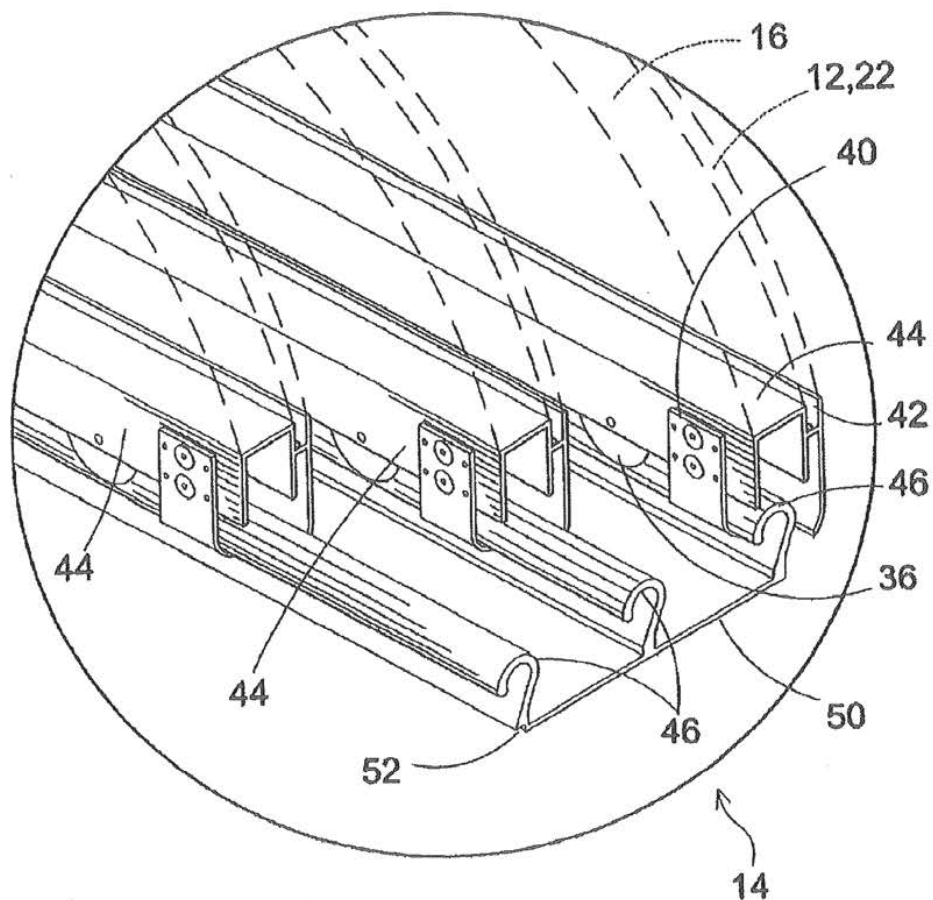
FIG. 11

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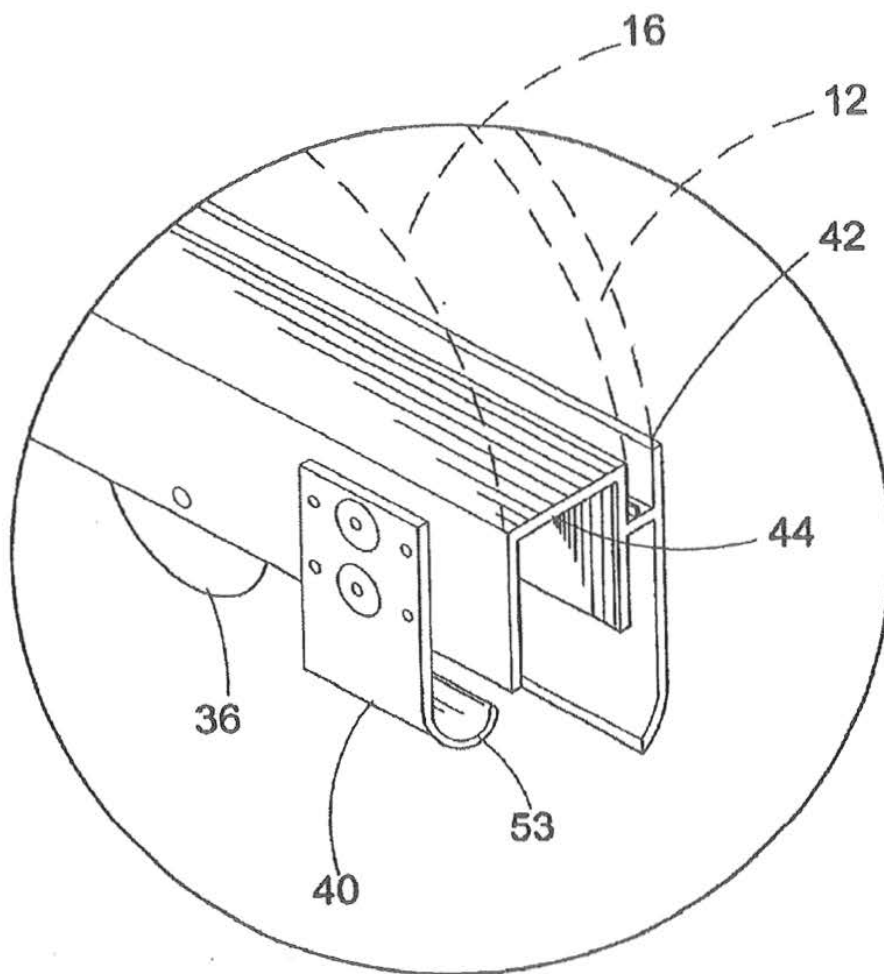
**FIG. 12**

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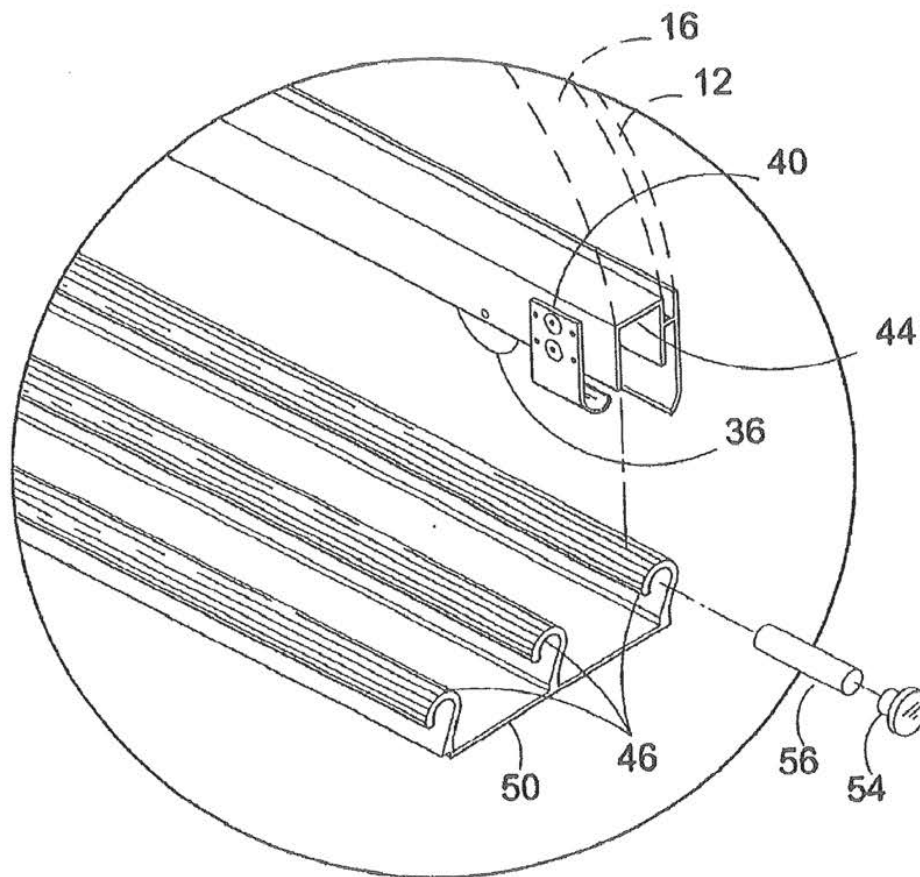
**FIG. 13**

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**FIG. 14**



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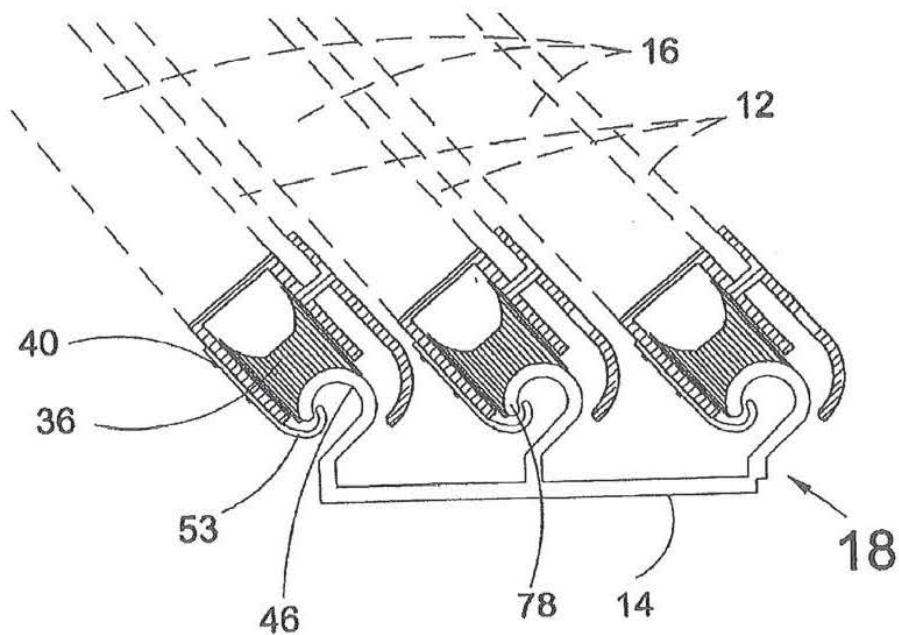


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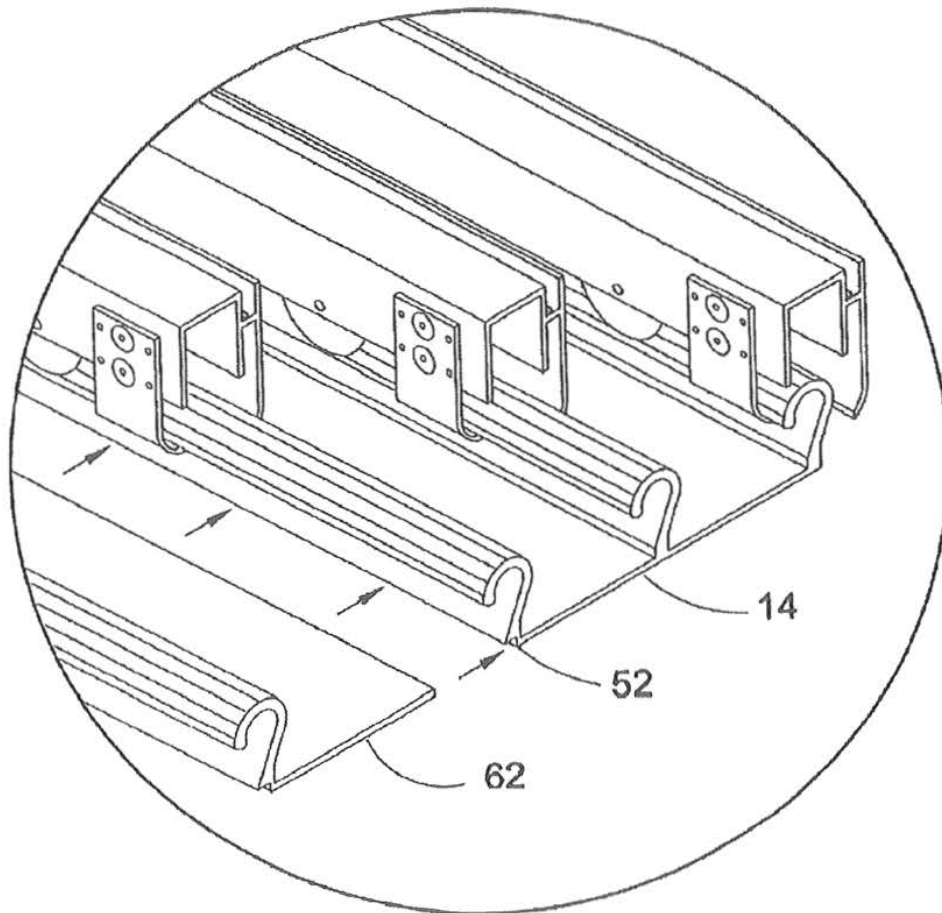
**FIG. 16**

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**FIG. 17**

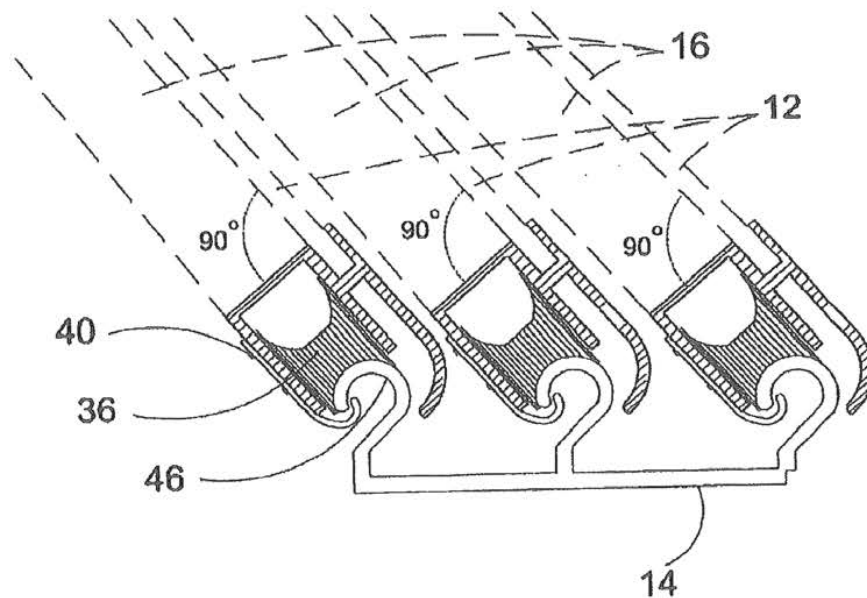


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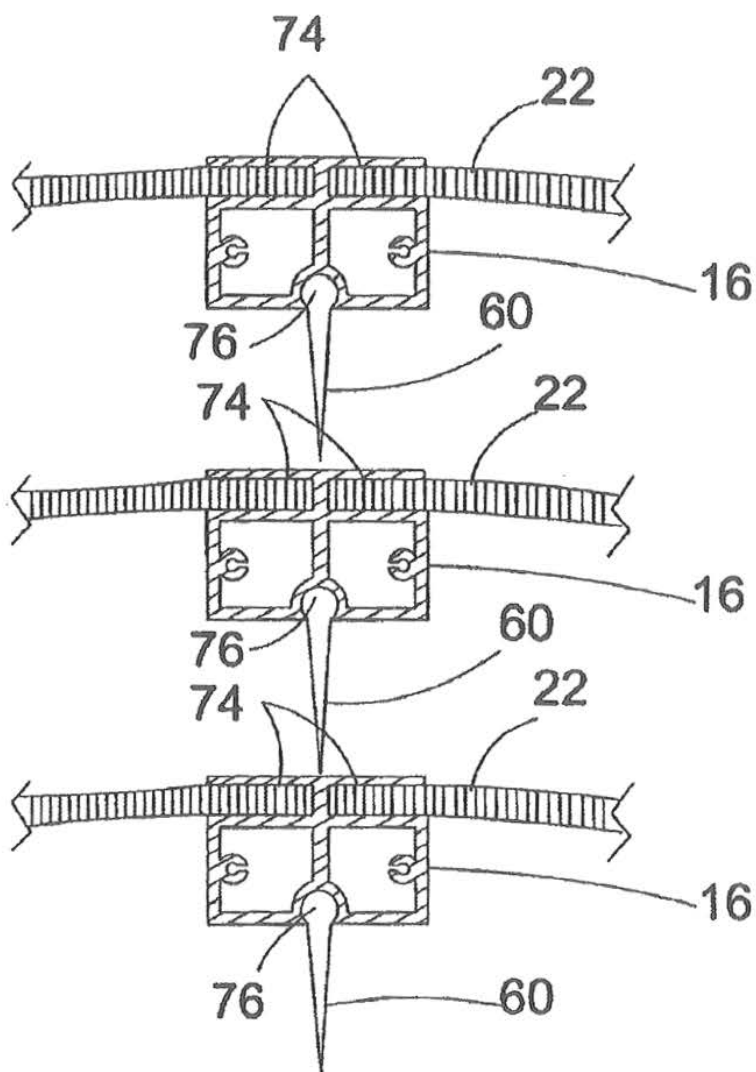
**FIG. 18**

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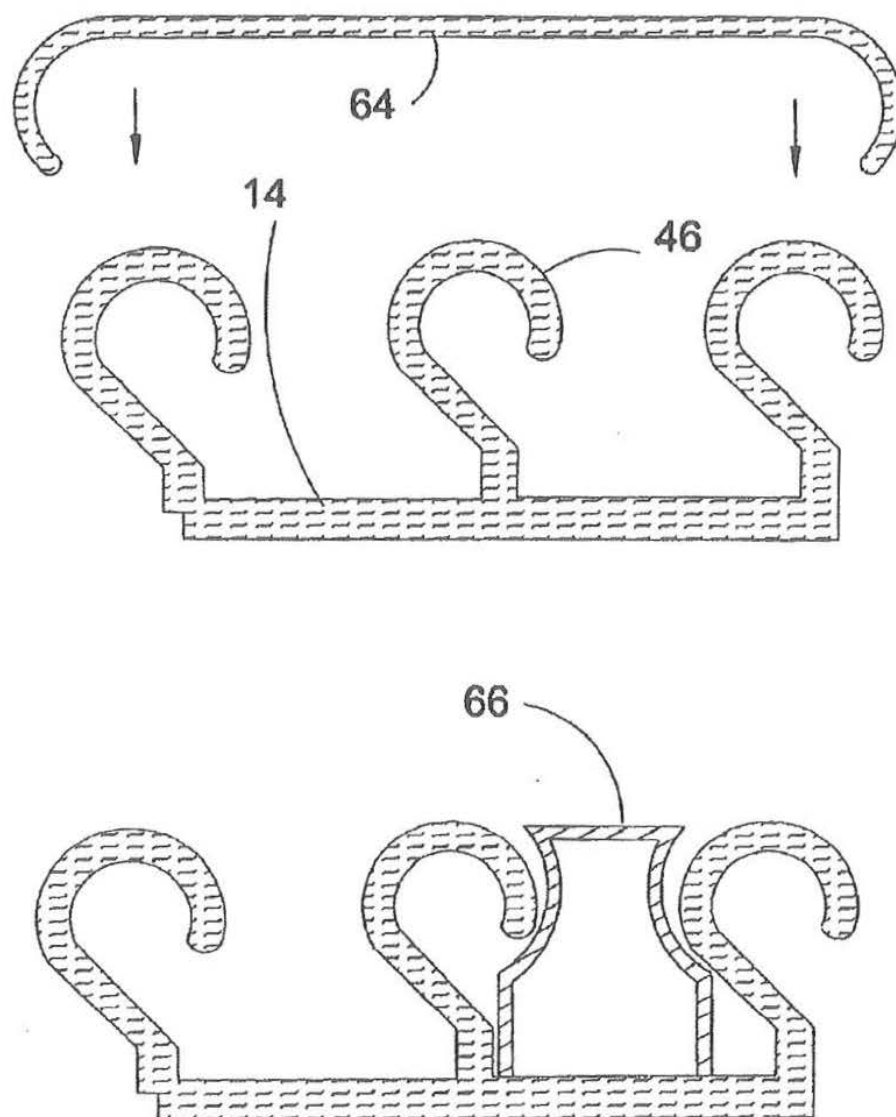
**FIG. 19**

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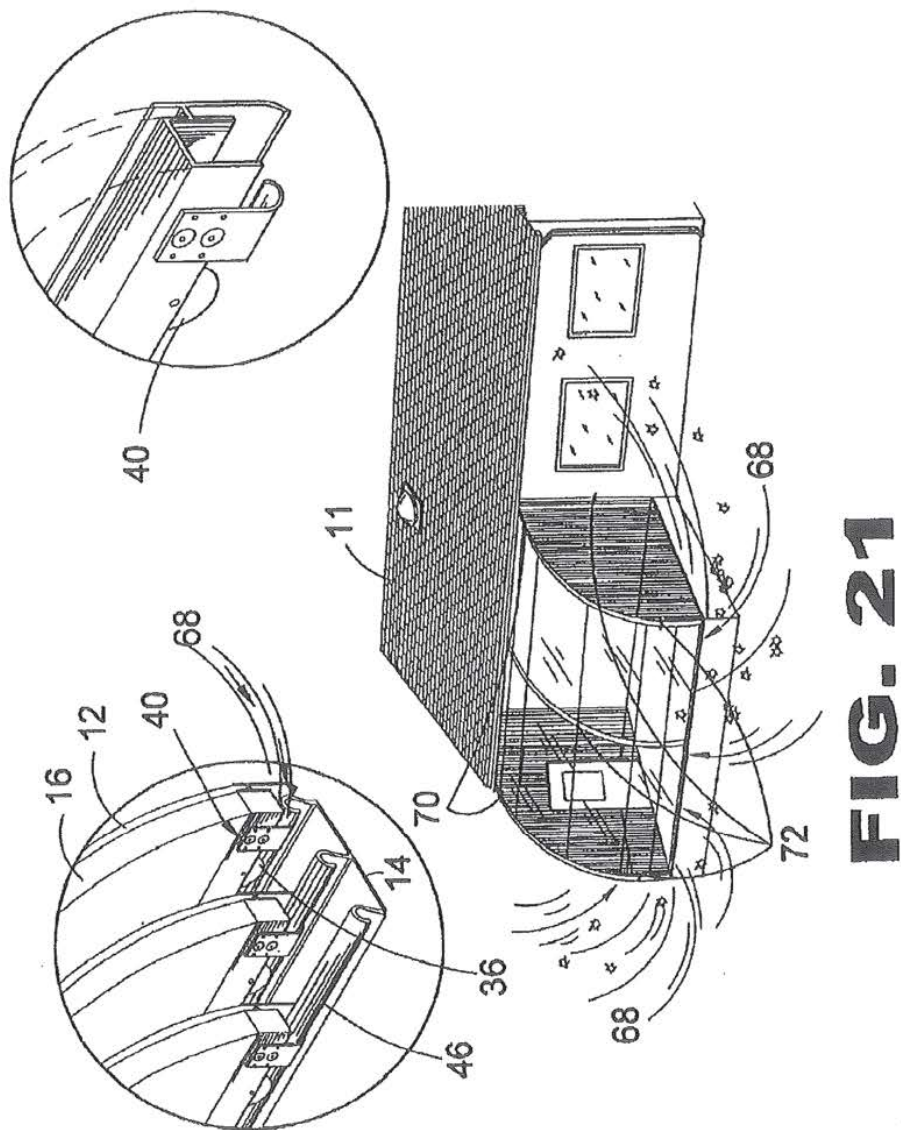
**FIG. 20**

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## TELESCOPIC ENCLOSURE

### BACKGROUND OF THE INVENTION

#### 1. Field of the Invention

The present invention relates generally to outdoor enclosures and more specifically to a telescopic enclosure providing a plurality of transparent rolling sections that can roll on their own designated tracks to enclose or expose a sun room or pool area to the elements.

The present invention is comprised of a plurality of overlapping transparent arches positioned on parallel tracks. The arches can be selectively moved to any position on the parallel tracks. The two distal end arches have removable closure panels. Each of the arches transparent members are positioned within a frame member having a plurality of wheels engaging spaced apart track members.

Track members are fixedly positioned to the ground or foundation structures in a spaced apart parallel configuration. Each side of an arch consists of a plurality of wheels fixedly positioned between spaced apart track wall elements having hook like terminations to prevent dislocation of the frame member from the track member. Each arch is rollably positioned on its respective track before plugs are inserted into each track rail distal end.

#### 2. Description of the Prior Art

There are other exterior enclosure apparatus designed to enclose pool areas and deck areas. Typical of these is U.S. Pat. No. 3,979,782 issued to Lamb on Sep. 14, 1976.

Another patent was issued to Kumode on Nov. 27, 1979 as U.S. Pat. No. 4,175,361. Yet another U.S. Pat. No. 4,381,629 was issued to Ahn on May 3, 1983 and still yet another was issued on Apr. 21, 1987 to Martin et al. as U.S. Pat. No. 4,659,136.

Another patent was issued to Ozdemir on Aug. 4, 1987 as U.S. Pat. No. 4,683,686. Yet another patent was issued to Wardell et al on Aug. 20, 1996 as U.S. Pat. No. 5,546,972 and still yet another patent was issued to Lonnberg on Nov. 3, 1998 as U.S. Pat. No. 5,829,204.

Another patent was issued to Last on Dec. 8, 1998 as U.S. Pat. No. 5,845,343. Another patent was issued to Last on Sept. 14, 1999 as U.S. Pat. No. 5,950,253.

U.S. Pat. No. 3,979,782

Inventor: Joe Lamb

Issued: Sep. 14, 1976

A protective swimming pool covering apparatus is disclosed wherein the apparatus includes a flexible impervious cover sheet capable of being extended and retracted over a swimming pool. Each lateral side of the cover sheet is adapted with a longitudinally beaded side edge which is slidably held in a longitudinal open channel or track cut into a slide way member fixed to the longitudinal margins of the swimming pool. The longitudinal opening of the slide way means is sized such that it is slightly smaller than the diameter of the beaded side edge such that under normal operating conditions the bead will be slidably held within the track or channel. However, under conditions of excessive lateral stress, the bead will be sufficiently compressed and be pulled through the opening and away from the channel. In addition, the end sections of the slide way means is adapted with a stationary channeled guide piece having a pair of flared end sections and a longitudinal side opening. The

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stationary guide piece is mounted such that the channels of the guide piece and the slide way means are in aligned registry with each other. The longitudinal side opening of the stationary guide piece is substantially smaller than the longitudinal side opening of the slide way means making disengagement of the bead from the channel opening substantially more difficult than that from the slide way means.

U.S. Pat. No. 4,175,361

Inventor: Masami Kumode

Issued: Nov. 27, 1979

An openable canopy housing having a series of movable, telescoping transparent arched panels which form the combination roof and sides. Part of the roof of the housing is formed by a horizontal beam which runs the length of the structure. The transparent panels can be selectively opened or closed to provide a structure which can be used for indoor as well as outdoor use.

U.S. Pat. No. 4,381,629

Inventor: Min H. Ahn

Issued: May 3, 1983

A greenhouse comprising walls defining an area. A roof covers a portion of the area. Track means are interposed between the roof and the walls so that the roof may be moved along the track to cover a selected part of the area.

U.S. Pat. No. 4,659,136

Inventor: John Martin et al.

Issued: Apr. 21, 1987

An improved apparatus for covering at least a part of the open bed of a land or marine vehicle or the like includes an enclosure structure telescopically collapsible and extendable with an access opening and door assembly rearward longitudinally movable portion thereof. An improved end gate assembly is selectively positionable and releasably securable at a number of continuously variable longitudinal locations on the open bed, corresponding with the movable rearward section of the enclosure. The apparatus also includes an improved track assembly for the telescopically collapsible and extendable enclosure sections, with apparatus for substantially preventing or minimizing the accumulation of corrosion, water or other foreign materials that would hinder the smooth and free operation of the enclosure structure.

U.S. Pat. No. 4,683,686

Inventor: Veli Ozdemir

Issued: Aug. 4, 1987

A removable enclosure cover for a swimming pool or the like is disclosed. The enclosure cover includes a plurality of rigid frame members of rectangular panel sections. The frame members are spaced apart and extend parallel to one another transversely across the pool area. A flexible material is stretched between the frame members. A pair of spaced parallel channel-shaped track members extend along the sides of the pool and guide means is attached to the lower ends of each of the frame members. The guide means has



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rollers which extend into the interior of the track members. One roller rolls along the bottom of the track members and is mounted on a vertically movable carriage, permitting the frame members to be moved together to one end of the pool deck and collapsing the flexible material to uncover the pool. A threaded adjustment is provided for raising and lowering the carriage with the roller thereon so that the top portion of the track may be clamped between the roller carriage and the bottom of the frame member. The other roller is adapted to engage the sides of the track member to longitudinally guide the frame members.

U.S. Pat. No. 5,546,972

Inventor: Jacqueline R. Wardell et al.

Issued: Aug. 20, 1996

A collapsible cover system and kit therefore are removably mounted to a plurality of spaced stake sockets secured within longitudinally extending areas on opposite sides of a swimming pool or hot tub. Stakes, disposed in the stake sockets, are slidably connected to two lengths of spaced guide tracks that extend along the sides of the pool or hot tub. Inverted bow-shaped members having free ends are removably secured to carrier means that slidably connect the bow-shaped members to the guide. In additional embodiments the spaced guide tracks are disposed either in a trough that may be covered when the particular rail sections are not in use, or hingedly disposed adjacent a trough into which rail particular rail sections may be stored when they are not in use.

U.S. Pat. No. 5,829,204

Inventor: Benth Lonnberg

Issued: Nov. 3, 1998

An arrangement for openable roofs, especially for glazed verandas and balconies. The arrangement is a horizontal supporting section (10) which defines an elongated guiding channel (11) having an elongated side opening (12), and a horizontal roofing panel (20) which is movable in the longitudinal direction of the supporting section (10). The roof panel (20) has a lateral edge (21) that extends into the guide channel (11) of the supporting section (10). A plurality of separate guiding and spacing members (40) are mounted spaced from each other in a direction of the guiding channel (11), on the lateral edge (21), received in the guiding channel (11), and abuts against the inner wall of the guiding channel (11) to thereby ensure that there is a play both upwards and downwards in the side opening (12) between the panel (20) and the supporting section (10). The guiding and spacing members (40) are designed so as to allow a turning movement of the panel (20). Compressible sealing means (50) are arranged in the guiding channel (11) between the side opening (12) and the guiding and spacing members (40).

U.S. Pat. No. 5,845,343

Inventor: Harry Last

Issued: Dec. 8, 1998

A track assembly for allowing movement of a flexible enclosure cover over an area to be enclosed as, for example, a body of water in a swimming pool. The assembly comprises a pair of spaced apart tracks mounted on opposite sides of the area to be enclosed with each being comprised

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of an elongate strip. Each track strip comprises a cable receiving channel with a gutter or debris trough located generally beneath the channel for collection of debris. Preferably, a slider can be located in the cable receiving channel for locking to the cable and for securement of the cover to the cable. The track can be constructed to also allow for lubrication of the cable receiving channel enabling a slider mechanism to freely move therein. When a slider is used, it extends into each channel at approximately a 45-degree angle with respect to a vertical direction. In accordance with this construction, debris which might otherwise collect in the cable receiving channel will drop into the gutter and will not interfere with movement of the slider mechanism or the leading edge of the cover. The slider may be adjustably secured to a rigid body which is, in turn, secured to the leading edge of the cover, and which allows side-to-side adjustment of the leading edge. Adjustment in the 45 degree, angulated plane could reduce bending moment forces on the slider and track.

U.S. Pat. No. 5,950,253

Inventor: Harry Last

Issued: Sep. 14, 1999

A track assembly for allowing movement of a flexible enclosure cover over an area to be enclosed as, for example, a body of water in a swimming pool. The assembly comprises a pair of spaced apart tracks mounted on opposite sides of the area to be enclosed with each being comprised of an elongate strip. Each track strip comprises a cable receiving channel with a gutter or debris trough located generally beneath the channel for collection of debris. Preferably, a slider can be located in the cable receiving channel for locking to the cable and for securement of the cover to the cable. The track can be constructed to also allow for lubrication of the cable receiving channel enabling a slider mechanism to freely move therein. When a slider is used, it extends into each channel at approximately a 45 degree, angle with respect to a vertical direction. In accordance with this construction, debris which might otherwise collect in the cable receiving channel will drop into the gutter and will not interfere with movement of the slider mechanism or the leading edge of the cover. The slider may be adjustably secured to a rigid body which is, in turn, secured to the leading edge of the cover, and which allows side-to-side adjustment of the leading edge. Adjustment in the 45 degree, angulated plane could reduce bending moment forces on the slider and track.

#### SUMMARY OF THE PRESENT INVENTION

The present invention discloses a plurality of movable transparent arcuate sections or arches that can roll on their own designated parallel tracks to enclose or expose a sun room or pool area. The arches can be selectively moved to any position on the parallel tracks. The two distal end arches have removable end closure panels. Each of the transparent members of the arches are positioned within a frame member having a plurality of wheels engaging the spaced apart track members. Track members are fixedly positioned to the ground or foundation structures in a spaced-apart parallel configuration. Each side of an arch consists of a plurality of wheels fixedly positioned between spaced apart track elements having hook-like terminations to prevent dislocation of the frame member from the track member. Each arch is slidably positioned on its respective track before plugs are inserted into each track rail distal end.

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A primary object of the present invention is to provide a telescopic enclosure providing a plurality of sliding sections which slide on their own designated, respective track and slide over one another in order to enclose or expose a sun room or swim pool to the elements.

Another object of the present invention is to provide a telescopic enclosure providing a plurality of overlapping glazed arches positioned on parallel tracks. The arches can be selectively moved to any position on the parallel tracks.

Yet another object of the present invention is to provide two distal end arches having removable closure panels.

Still yet another object of the present invention is to provide a telescopic enclosure providing a plurality of sliding sections which slide on their own designated, respective track and slide over one another in order to enclose or expose a sun room or swim pool to the elements, each arch consisting of a plurality of wheels engaging the track members, transparent arch member positioned with a frame member, and a plurality of hook like terminations to prevent dislocation of the frame member from the track member.

Yet another object of the present invention is to provide track plugs that are inserted into each track rail.

Yet another object of the present invention is to provide an enclosure for swim pools and deck and patio areas.

Additional objects of the present invention will appear as the description proceeds.

The present invention overcomes the shortcomings of the prior art by providing a telescopic enclosure providing a plurality of sliding sections which slide on their own designated, respective track and slide over one another in order to enclose or expose a sun room or swim pool to the elements, each arch consisting of a plurality of wheels engaging the track members, transparent arch member positioned with a frame member, and a plurality of hook like terminations to prevent dislocation of the frame member from the track member. Also, to provide track plugs that are inserted into each track rail. Also to provide two distal end arches having removable closure panels.

The foregoing and other objects and advantages will appear from the description to follow. In the description reference is made to the accompanying drawings, which form a part hereof, and in which is shown by way of illustration specific embodiments in which the invention may be practiced. These embodiments will be described in sufficient detail to enable those skilled in the art to practice the invention, and it is to be understood that other embodiments may be utilized and that structural changes may be made without departing from the scope of the invention. In the accompanying drawings, like reference characters designate the same or similar parts throughout the several views.

The following detailed description is, therefore, not to be taken in a limiting sense, and the scope of the present invention is best defined by the appended claim

#### BRIEF DESCRIPTION OF THE DRAWINGS

FIG. 1 is an illustrative view of the present invention showing sliding sections fully deployed. (Four Sections Shown)

FIG. 2 is an illustrative view of the present invention showing sliding sections fully deployed. (Three Sections Shown)

FIG. 3 is an illustrative view of the present invention showing sliding sections fully deployed. (Two Sections Shown)

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FIG. 4 is an illustrative view of the present invention showing sliding sections partially retracted or nested. (Four Sections Shown)

FIG. 5 is an illustrative view of the present invention showing sliding sections fully retracted or nested. (Four Sections Shown)

FIG. 6 is an illustrative view of the present invention showing sliding sections fully deployed. (Four Sections Shown)

FIG. 7 is an illustrative view of the present invention showing sliding sections fully deployed. (Three Sections Shown)

FIG. 8 is an illustrative view of the present invention showing sliding sections fully deployed. (Two Sections Shown)

FIG. 9 is an illustrative view of the present invention showing sliding sections partially nested. (Four Sections Shown)

FIG. 10 is an illustrative view of the present invention showing sliding sections fully nested. (Four Sections Shown)

FIG. 11 is an illustrative view of the present invention in an alternate glazing shape.

FIG. 12 is a detail view of the track and bottom portion of the frame of the present invention.

FIG. 13 is a detail view of the bottom portion of the frame of the present invention.

FIG. 14 is a detail view of the lower portion of the enclosure of the present invention.

FIG. 15 is a front view of the present invention.

FIG. 16 is a sectional view of the lower portion of the present invention.

FIG. 17 is a detail perspective view of the lower portion of the present invention.

FIG. 18 is a sectional view of the lower portion of the present invention.

FIG. 19 is a cross sectional view of the present invention.

FIG. 20 is a front view of track and cover plate of the present invention.

FIG. 21 is a detail view of the track and bottom portion of the frame of the present invention in a wind condition.

#### LIST OF REFERENCE NUMERALS

With regard to reference numerals used, the following numbering is used throughout the drawings.

- 10 present invention
- 11 building
- 12 sliding sections
- 14 track
- 16 arcuate frame members
- 18 end frame members
- 20 end panels
- 22 transparent panel
- 24 pedestal
- 26 non-pedestal design
- 28 partially retracted section
- 30 partially retracted section
- 32 partially retracted section
- 34 non-retracted section
- 36 wheel
- 38 pool
- 40 anchor plate
- 42 U-shaped frame
- 44 horizontal frame member

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46 track rail  
50 base of track plate  
52 slot  
53 hook-like end  
54 plastic end plug  
56 plastic stop rod  
58 foundation  
60 rubber flap  
62 additional track element  
64 track cover  
66 spacer  
68 wind  
70 hooks  
72 straps  
74 U-shaped receptacle  
76 notch  
78 edge of rail

#### DETAILED DESCRIPTION OF THE PREFERRED EMBODIMENTS

The following discussion describes in detail one embodiment of the invention and several variations of that embodiment. This discussion should not be construed, however, as limiting the invention to those particular embodiments since practitioners skilled in the art will recognize numerous other embodiments as well. For a definition of the complete scope of the invention, the reader is directed to the appended claims.

Turning to FIG. 1, shown therein is an illustrative view of the present invention 10 disposed onto a proximate building 11 such as a residence showing multiple movable arcuate sections 12 fully deployed. Sections 12 comprise generally rectangular, planar, transparent panels 22 having two generally horizontal ends and two generally vertical sides. Four sections are shown in FIG. 1. The aqua shield telescopic sun room enclosure of the present invention 10 provides a plurality of rollable sections 12 which roll on their own designated, respective, horizontal tracks 14 and move laterally over one another in a telescoping fashion in order to enclose or expose a sun room to the elements. Also shown are the multiple arcuate support frame members 16 having a first and second end and a first and second side (See FIG. 19 for details) including a pair of end frame members 18 along with generally flat end panels 20. An alternative design 26 not having a pedestal 24 is also shown.

Turning to FIG. 2, shown therein is an illustrative view of the present invention 10 showing sections 12 fully deployed. Three sections are shown in this view. The aqua shield telescopic sun room enclosure of the present invention 10 provides a plurality of sections 12 which move on their own designated, respective tracks 14 and move over one another in order to enclose or expose a sun room to the elements. Also shown are the frame members 16, end panels 20 and transparent panels 22.

Turning to FIG. 3, shown therein is an illustrative view of the present invention 10 showing sections 12 fully deployed. Two sections are shown in this view. The aqua shield telescopic sun room enclosure of the present invention 10 provides a plurality of sections 12 which move on their own designated, respective tracks 14 and move over one another in order to enclose or expose a sun room to the elements. Also shown are the frame members 16, end panels 20 and transparent panels 22.

Turning to FIG. 4, shown therein is an illustrative view of the present invention 10 showing sections 12 partially retracted or nested. Four sections are shown in this view. The

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aqua shield telescopic sun room enclosure of the present invention 10 provides a plurality of sections 12 which move on their own designated, respective tracks 14 and move over one another in order to enclose or expose a sun room to the elements. Three sections 28, 30, 32 are shown partially retracted while a fourth section 34 is not retracted. Other elements previously disclosed are also shown.

Turning to FIG. 5, shown therein is an illustrative view of the present invention 10 showing sections 28, 30, 32, 34 fully retracted or nested. Four sections are shown in this view being disposed so that those with smaller diameters are placed inward of those with larger diameters so that they can telescope. The aqua shield telescopic sun room enclosure of the present invention 10 provides a plurality of sections 28, 30, 32, 34 which move on their own designated, respective tracks 14 and move over one another in order to enclose or expose a sun room to the elements. Other elements previously disclosed are also shown.

Turning to FIG. 6, shown therein is an illustrative view of the present invention 10 showing sections 12 fully deployed over a swimming pool 38. Four sections are shown in this view. The aqua shield of the present invention 10 is comprised of a plurality of overlapping arcuate arches or sections 12 positioned on parallel tracks 14. The arches 12 can be selectively moved to any position on the track 14. The two distal end arches have removable end closure panels 20. Each of the arches has a plurality of wheels 36 engaging track members 14. Also shown are the frame members 16, transparent panels 22 and anchor plates 40.

Turning to FIG. 7, shown therein is an illustrative view of the present invention 10 showing sections 12 fully deployed. Three sections are shown in this view. The present invention 10 is comprised of a plurality of overlapping arches 12 positioned on parallel tracks 14. The arches 12 can be selectively moved to any position on the track 14. The two distal end arches have removable closure panels 20. Each of the arches has a plurality of wheels 36 engaging track members 14. Other elements previously disclosed are also shown.

Turning to FIG. 8, shown therein is an illustrative view of the present invention 10 showing sections fully deployed. Two sections are shown. The present invention 10 is comprised of a plurality of overlapping arches 12 positioned on parallel tracks 14. The arches 12 can be selectively moved to any position on the track 14. The two distal end arches have removable closure panels 20. Each of the arches has a plurality of wheels 36 engaging track members 14. Other elements previously disclosed are also shown.

Turning to FIG. 9, shown therein is an illustrative view of the present invention 10 showing sections 12 partially nested. Three sections are shown. The present invention 10 is comprised of a plurality of overlapping arches 12 positioned on parallel tracks 14. The arches 12 can be selectively moved to any position on the track 14. The two distal end arches have removable closure panels 20. Each of the arches 12 has a plurality of wheels 36 engaging track members 14. Other elements previously disclosed are also shown.

Turning to FIG. 10, shown therein is an illustrative view of the present invention 10 showing sections 12 fully nested. Four Sections are shown. The present invention 10 is comprised of a plurality of overlapping arches 12 positioned on parallel tracks 14. The arches 12 can be selectively moved to any position on the track 14. The two distal end arches have removable closure panels 20. Each of the arches 12 has a plurality of wheels 36 engaging track members 14. Other elements previously disclosed are also shown.



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Turning to FIG. 11, shown therein is an illustrative view of the present invention 10 in an alternate, half circle-like shape. Also shown elsewhere are the one-fourth of an ellipse shape of FIG. 1 and the half of an ellipse shape of FIG. 6. The present invention 10 is comprised of a plurality of overlapping arches 12 positioned on parallel tracks 14. The arches 12 can be selectively moved to any position on the track 14. The two distal end arches have removable closure panels 20. Each of the arches has a plurality of wheels 36 engaging track members 14. Other elements previously disclosed are also shown.

Turning to FIG. 12, shown therein is a detail view of the track 14 and bottom portion of the frame 16 of the present invention. Each of the two ends of each transparent panels 22 of section 22 are disposed within an upright standing U-shaped frame member 42 and each horizontal frame member 44 has a plurality of wheels 36 engaging spaced apart track rail members 46 using anchor plate 40. Three separate horizontal frame member units 44 are shown along with the track plate base 50 having a slot 52 for receiving additional tracks.

Turning to FIG. 13, shown therein is a detailed view of the bottom portion of the frame 16 of the present invention. Each side of an arch 12 consists of a plurality of wheels 36 fixedly disposed within a downwardly disposed U-shaped frame element 44 having a downwardly extending anchor plate 40 with hook-like lower end terminations 53 to prevent dislocation of the frame member 44 from the track rail 46 (not shown). Also shown is the upwardly disposed U-shaped frame 42 which receives the lower end of section 12.

Turning to FIG. 14, shown therein is a detail view of the lower portion of the enclosure of the present invention. Track member rails 46 are fixedly positioned to the ground or foundation structures in a spaced apart parallel configuration. Each arch 12 is slidably positioned on its respective frame member 44 and track rail 46 before a plastic end plug 54 and a plastic stop rod 56 are inserted into the ends of each track rail 46. Other elements previously disclosed are also shown.

Turning to FIG. 15, shown therein is a front view of the present invention 10. The two tracks 14 are mounted to a flat foundation 58, on parallel and opposite sides of a swimming pool 38. Plastic plugs 54 (not shown) are placed in the end of the track after the sections are in place. Each section 12 is placed into the track, beginning with the one with the smallest diameter on the interior. An unlimited amount of enclosure sections 12 can be assembled. Each section 12 moves independently from the others by opening and closing telescopically. Also shown are inwardly extending rubber flaps 60 along with other elements previously disclosed.

Turning to FIG. 16, shown therein is a sectional view of the lower portion of the present invention. Shown are the moving parts that comprise the device of the present invention. The rails 46 of the track 14 are designed so that the mating wheels 36 can ride upon them at angles agreeable or complementary to the angle of the bottom portion of the enclosure. Hooks 53 overlap the enlarged, exposed edge 78 of the rail 46 to secure the anchor plate 40 thereto. Other elements previously disclosed are also shown.

Turning to FIG. 17, shown therein is a detail perspective view of the lower portion of the present invention. Additional track elements 62 can be added to the main track 14 to provide additional enclosure units by placing the edge of track element 62 into slot 52 located on the edge of the track base.

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Turning to FIG. 18, shown therein is a sectional view of the lower portion of the present invention. The arches 12 are designed so that the transparent panel elements are fixedly positioned within the track 14 engaging frame 16 in a coplanar and 90-degree or perpendicular relationship. Thereby the entire width of the arch is supported by the track. Other elements previously disclosed are also shown.

Turning to FIG. 19, shown therein is a cross sectional view of the present invention. Shown are three enclosure units taken from FIG. 16 including the rectangular frame housing 16, transparent panel 22 and rubber gaskets or flap 60. The housing of frame 16 has a pair of horizontally opposed U-shaped receptacles 74 on its two sides and on its outer surface for receiving the edges of the panels 22. A slot or notch 76 is provided on the inner surface of frame housing 16 for receiving the flap 60.

Turning to FIG. 20, shown therein is a front view of track 14 and the plastic track cover plate 64 of the present invention. The unused portion of the track 14 and rail 46 can be covered over with a cover plate 64. The cover plate 64 smooths off the top portion of the track 14 so as to prevent hurting one's feet when stepping on the track. A plastic track cover spacer 66 is also shown to provide additional support to the cover plate 64 and rails 46.

Turning to FIG. 21, shown therein is a detail view of the track 14 and bottom portion of the frame 16 of the present invention in a wind condition. The anchor plate 40 is attached to the lower portion of the frame 16 and secures the dome sections 12 to the track so the dome sections 12 can roll and hold simultaneously. This design provides a secured relationship between the track 14 and the dome section 12 and prevents the dome from leaving the track during a wind shown by arrows 68. Also shown are additional support hooks 70 and straps 72. Other elements previously disclosed are also shown.

I claim:

1. An apparatus for providing an enclosure for attachment to a building or for covering an area, comprising:

- a) a plurality of arcuate panels, said panels having a first and second end, and a first and second side, wherein said panels are generally rectangular, planar panels;
- b) a plurality of arcuate frame members, said frame members having a first and second end, and a first and second side for receiving said panels, and an inner and an outer surface;
- c) a pair of end panels for attachment to the ends of the enclosure to complete the enclosure;
- d) means for a plurality of horizontal frame members whereby the ends of the arcuate frame members are secured;
- e) means for a plurality of rollers disposed on said horizontal frame members whereby said horizontal frame members are movable thereon;
- f) means for a plurality of horizontal rails whereby the rollers are rollable thereon and the rails are able to be attached to a foundation; and,
- g) wherein said plurality of arcuate panels and said plurality of arcuate frame members are sized so that arcuate panels and arcuate frame members of smaller diameter are disposed toward the interior of said panels and frame members of larger diameter so that said panels and frame members are able to telescope one within each other, wherein said arcuate panels approximate the shape of one of a circumference of half a circle or one-fourth an ellipse and said end panels are generally flat and removable.

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2. The apparatus of claim 1, wherein said arcuate panels approximate the shape of the circumference of half an ellipse.

3. The apparatus of claim 1, wherein said plurality of arcuate frame members further comprise a generally rectangular shaped housing having a pair of horizontally disposed U-shaped receptacles on said outer surface thereof for receiving said first and second sides of said arcuate panels and an inwardly extending flap disposed on said inner surface.

4. The apparatus of claim 3, herein said rectangular shaped housing has a slot therein, said slot disposed on said inner surface thereof for receiving said flap.

5. The apparatus of claim 4, herein said means for a plurality of horizontal frame members further comprise a downwardly disposed U-shaped frame having a plurality of rollers disposed internal said U-shaped frame, said rollers being used for contacting said means for a plurality of horizontal rails.

6. The apparatus of claim 5, wherein said U-shaped frame further comprises a downwardly disposed anchor plate thereon for contacting the rails.

7. The apparatus of claim 6, wherein said anchor plate further comprises a hook disposed on the lower end of said anchor plate.

8. The apparatus of claim 7, wherein said U-shaped frame further comprising an upwardly disposed U-shaped receptacle thereon for receiving said first end of said arcuate panels.

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9. The apparatus of claim 8, said means for a plurality of horizontal rails further comprise a base plate upon which plate said rails are mounted and said rails are attached to a foundation.

10. The apparatus of claim 9, wherein said rail has an enlarged, exposed edge for receiving said hook of said anchor plate so that said anchor plate is secured to said rail.

11. The apparatus of claim 10, further comprising means for adding additional rails to said rail base plate whereby the number of rails varies.

12. The apparatus of claim 11, wherein said means for adding additional rails further comprises a slot disposed in the edge of said base plate for receiving the edge of another base plate.

13. The apparatus of claim 12, further comprising a stop rod and an end plug disposed in the end of said rail.

14. The apparatus of claim 13, further comprising a cover for being placed over the tops of said rails and a spacer for being placed between said rails to enable one to walk over said rails.

15. The apparatus of claim 4, further comprising a plurality of hooks and straps for securing said arcuate panels to said arcuate frame members.

16. The apparatus of claim 15, wherein said arcuate panels are transparent.

\* \* \* \* \*

## **PROOF OF SERVICE**

I hereby certify that on the 14<sup>th</sup> day of June, 2016, I electronically filed the Corrected Joint Appendix (Volume II) in PDF-OCR format via the Electronic Case Filing System.

I hereby certify that on the 14<sup>th</sup> day of June, 2016, I caused one (1) copy of the Corrected Joint Appendix (Volume II) in PDF-OCR format to be served upon the attorneys listed below via the Electronic Case Filing System.

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